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Oceans and the law of the sea

Oceans and the law of the sea

Report of the Secretary-General

Addendum

Summary

The present report provides an overview of developments relating to the implementation of the United Nations Convention on the Law of the Sea and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea since the preparation of the main report (A/62/66) in February 2007. It also constitutes a report of the Secretary-General to be considered by the Meeting of States Parties to the Convention under the agenda item entitled "Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States parties that have arisen with respect to the Convention". It provides information on the status of the Convention and its implementing Agreements; the Meeting of States Parties to the Convention; the informal consultations of States Parties to the 1995 Fish Stocks Agreement; State practice regarding maritime space; the work of the Commission on the Limits of the Continental Shelf and of the International Seabed Authority; international shipping activities; people at sea; maritime security; marine science; conservation and management of marine living resources; marine biological diversity; protection and preservation of the marine environment and sustainable development; small island developing States; climate change; settlement of disputes; international coordination and cooperation; and the capacity-building activities of the Division for Ocean Affairs and the Law of the Sea.

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Abbreviations

ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
FAO	Food and Agriculture Organization of the United Nations
GEF	Global Environment Facility
GESAMP	Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection
GIS	Geographic Information System
ILO	International Labour Organization
IMO	International Maritime Organization
IOC	Intergovernmental Oceanographic Commission of UNESCO
ISPS Code	International Ship and Port Facility Security Code
MARPOL	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto
MEPC	IMO Marine Environment Protection Committee
NAV	IMO Sub-committee on Safety of Navigation
SOLAS	International Convention for the Safety of Life at Sea
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNESCO	United Nations Educational, Scientific and Cultural Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization

I. Introduction

1. The reports of the Secretary-General on oceans and the law of the sea are intended to provide the basis for the annual consideration and review of overall developments relating to ocean affairs and the law of the sea by the General Assembly, as the global institution with the competence to undertake such a review.

2. The present report provides the Assembly with an update of developments in the field of oceans and the law of the sea since the preparation of the main report (A/62/66), which was finalized in March 2007 for submission to the eighth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. It should be read in conjunction with the main report, the report of the Secretary-General prepared in response to the request in paragraph 91 of General Assembly resolution 61/222 in order to assist the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction prepare its agenda (A/62/66/Add.2), the report of the Secretary-General on sustainable fisheries (A/62/260), the report of the seventeenth Meeting of States Parties to the Convention (SPLOS/164) and the report on the work of the Consultative Process at its eighth meeting (A/62/169).

3. The General Assembly's consideration of the item on oceans and the law of the sea in 2007 coincides with the twenty-fifth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea. The Convention has over the past 25 years not only demonstrated that it is the basis for national, regional and global action and cooperation in the marine sector, but also that its legal regime allows for sufficient flexibility to ensure its durability over time while addressing new challenges. The Convention is widely recognized by the international community as the legal framework within which all activities in the oceans and the seas must be carried out.

II. The United Nations Convention on the Law of the Sea and its implementing Agreements

A. Status of the Convention and its implementing Agreements

4. As at 27 July 2007, the number of parties to the Convention stood at 155, including the European Community. On 31 May 2007, Lesotho and Morocco ratified the Convention and expressed their consent to be bound by the Agreement relating to the implementation of Part XI of the Convention. Thus, at 27 July 2007, there were 129 parties to that Agreement, including the European Community. Following the accessions by Lithuania on 1 March 2007, by the Czech Republic on 19 March 2007 and by Romania on 16 July 2007, the number of parties to the 1995 Fish Stocks Agreement[1] rose to 67, including the European Community.

[1] Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, United Nations, *Treaty Series*, vol. 2167, No. 37924.

B. Declarations and statements under articles 287, 298 and 310 of the Convention and article 43 of the 1995 Fish Stocks Agreement

5. On 31 May 2007, Morocco made a declaration, upon its ratification of the Convention, that "the laws and regulations relating to maritime areas in force in Morocco shall remain applicable without prejudice to the provisions of the United Nations Convention on the Law of the Sea". Morocco reaffirmed that "Sebta, Melilia, the islet of Al-Hoceima, the rock of Badis and the Chafarinas Islands are Moroccan territories" and stated that "Morocco has never ceased to demand the recovery of these territories which are under Spanish occupation, in order to achieve its territorial unity". Morocco further declared that "ratification may in no way be interpreted as recognition of that occupation".

6. Morocco also stated that it did not consider itself "bound by any national legal instrument or declaration that has been made or may be made by other States when they sign or ratify the Convention" and reserved "the right to determine its position on any such instruments or declarations at the appropriate time". It reserved its "right to make, at the appropriate time, declarations pursuant to articles 287 and 298 relating to the settlement of disputes".

7. Upon its accession to the 1995 Fish Stocks Agreement, Lithuania declared that "as a Member State of the European Union, the Republic of Lithuania has transferred the competence to the European Community in respect of certain matters governed by that Agreement". Lithuania also endorsed the declarations made by the European Community upon the latter's ratification of the Agreement.

8. On 23 February 2007, Cyprus nominated Andrew Jacovides as conciliator and arbitrator under article 2 of annex V, and article 2 to annex VII to the Convention.

C. Meeting of States Parties

9. The seventeenth Meeting of States Parties to the Convention was held in New York from 14 to 22 June 2007 under the presidency of Rosemary Banks, Permanent Representative of New Zealand to the United Nations.[2]

10. The President of the International Tribunal for the Law of the Sea introduced the 2006 annual report providing an overview of the twenty-first (6-17 March 2006) and twenty-second (18-29 September 2006) sessions of the Tribunal. He informed the Meeting that during those sessions the Tribunal had focused on a number of legal and judicial matters, including a review of the Rules and Judicial Practice of the Tribunal. In that connection, he drew attention to the general competence of the Tribunal in maritime delimitation cases, including its advisory jurisdiction and informed the Meeting of the establishment of the new Chamber for Maritime Delimitation Disputes (see also para. 243 below). He recalled the activities carried out to mark the tenth anniversary of the Tribunal in 2006. He informed the Meeting that the Tribunal had organized a series of workshops in four regions to disseminate knowledge about the procedures for the settlement of disputes contained in Part XV of the Convention, the jurisdiction of the Tribunal and the procedures for bringing cases before it (see A/62/66, para. 21).

[2] For a detailed report on the seventeenth Meeting of States Parties, see SPLOS/164.

11. Several financial and administrative issues relating to the Tribunal were considered by the Meeting. The Meeting took note of the report of the external auditors for the financial period 2005-2006 (SPLOS/157) and decided that savings from 2002 and 2004, as well as the amount of the supplementary budget, be surrendered and deducted from the assessed contributions of the States parties for 2008 (SPLOS/161). With regard to the establishment of a staff pension committee within the Tribunal, the Meeting appointed Senegal and Canada as member and alternate member, respectively, of the pension committee.

12. The Secretary-General of the International Seabed Authority reported on the work carried out by the Authority. He informed the Meeting that the Assembly of the Authority had adopted the biennium budget and approved the establishment of an endowment fund to promote and encourage the conduct of marine scientific research in the Area for the benefit of mankind as a whole. The Assembly had elected 15 members of the Finance Committee, and the Council of the Authority had elected 25 members of the Legal and Technical Commission for a five-year term. At the forthcoming session, the Council would consider the draft regulations on prospecting and exploration for polymetallic sulphides as a matter of priority, while the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts would be referred to the incoming Legal and Technical Commission. The Secretary-General informed the Meeting about the ninth workshop organized by the Authority on the technical and economic considerations relating to the mining of polymetallic sulphides and cobalt-rich crusts. He also reported on the development of a geological model of polymetallic nodule deposits for the Clarion-Clipperton zone seabed area and provided information on the Kaplan project.

13. The Chairman of the Commission on the Limits of the Continental Shelf updated the Meeting on the activities of the Commission, as detailed in his letter to the President of the Meeting dated 23 April 2007 (SPLOS/156). He also made a presentation on the projected workload of the Commission during the period 2007-2012, outlining three possible scenarios with related outcomes and implications, which depended on the number of submissions received by the Commission and the type of working arrangements available to it. He stressed that, unless the Commission was put in a position to be in session for a longer period of time or to delegate to the Secretariat the background work necessary for the examination of submissions, it would only be able to complete the examination of all submissions by 2035.

14. During the debate, a number of delegations underlined the importance of ensuring that the Commission could perform its functions under the Convention effectively and the need to provide it with the necessary support to face the projected increased workload. Several delegations stated that, in view of the complexity of the matter, a solution to the challenges posed by the projected workload could be found only through a comprehensive approach that combined several options outlined by the Chairman or addressed in the note by the Secretariat on issues related to the workload of the Commission (SPLOS/157).

15. In that connection, delegations discussed options that included, inter alia, the queuing of submissions, which the Commission had adopted at its eighteenth session; increasing the time devoted by the Commission to the examination of submissions; the payment of emoluments and expenses to members of the Commission through the regular budget of the United Nations while they are

performing their duties concerning the consideration of submissions; the broadening of the terms of reference of the two trust funds relating to the work of the Commission; and the reduction of the number of members of the subcommissions. With regard to the organization of work of the Commission, a number of delegations supported strengthening the Division for Ocean Affairs and the Law of the Sea, acting as the secretariat of the Commission, in anticipation of the projected number of submissions. At the same time, some delegations emphasized that the Commission should not delegate to the Secretariat tasks requiring the exercise of scientific and technical judgement in assessing the data and information contained in a submission. In response to requests from delegations, the Director of the Division provided detailed information, including cost estimates, on the requirements relating to the strengthening of the Secretariat's capacity to service the Commission (see SPLOS/164, para. 69), in particular concerning the addition of a GIS-officer post at the P-4 level and the acquisition of GIS software packages, hardware and office equipment, providing, for each of these areas, an overview of the current status, a projection of the needs of the Secretariat vis-à-vis the projected workload of the Commission, and the consequences which would ensue should the needs not be met.

16. At the proposal of the President, the Meeting decided to continue deliberations on the workload of the Commission in open-ended informal consultations under the chairmanship of Ganeson Sivagurunathan (Malaysia), Vice-President. Mr. Sivagurunathan prepared a draft decision on issues related to the workload of the Commission on the basis of several rounds of consultations. The Meeting adopted the draft decision without a vote (SPLOS/162).

17. With regard to the 10-year period for the making of a submission to the Commission, delegations recalled the provision of article 4 of annex II to the Convention as well as the decision of the eleventh Meeting of States Parties regarding the date of commencement of the 10-year period (see SPLOS/72). While it was generally considered that States should do their utmost to comply with the time limit, it was recalled that States parties had decided to keep under review the general issue of the ability of States, particularly developing States, to fulfil the requirements of the Convention. In that connection, some delegations stated that the decision should be revisited.

18. The Meeting elected the following 21 members of the Commission for a term of five years commencing on 16 June 2007 and ending on 15 June 2012: Alexandre Tagore Medeiros de Albuquerque (Brazil), Osvaldo Pedro Astiz (Argentina), Lawrence Folajimi Awosika (Nigeria), Harald Brekke (Norway), Galo Carrera Hurtado (Mexico), Francis L. Charles (Trinidad and Tobago), Peter F. Croker (Ireland), Indurlall Fagoonee (Mauritius), Mihai Silviu German (Romania), Abu Bakar Jaafar (Malaysia), George Jaoshvili (Georgia), Emmanuel Kalngui (Cameroon), Yuri Borisovitch Kazmin (Russian Federation), Wenzheng Lu (China), Isaac Owusu Oduro (Ghana), Yong-ahn Park (Republic of Korea), Fernando Manuel Maia Pimentel (Portugal), Sivaramakrishnan Rajan (India), Michael Anselme Marc Rosette (Seychelles), Philip Alexander Symonds (Australia) and Kensaku Tamaki (Japan).

19. The Meeting addressed future arrangements regarding the allocation of seats on the Commission and the equitable geographical distribution of members of the Tribunal. Following deliberations in the plenary, the Meeting decided to continue its

consideration of the two agenda items in informal consultations under the coordination of Diego Malpede (Argentina), Vice-President. Additional consultations were held by the President of the Meeting. As a result of the consultations, the Meeting adopted the decision on the allocation of seats on the Commission and the Tribunal (SPLOS/163) without a vote on the understanding that, for practical reasons, the next election of seven members of the Tribunal, to be held at the eighteenth Meeting of States Parties, would be on the basis of the existing arrangements.

20. In keeping with the decision of the fourteenth Meeting of States Parties, the report of the Secretary-General on oceans and the law of the sea (A/62/66) was presented to the Meeting. The report provided the basis for an extensive debate, which is reflected in the report of the Meeting (SPLOS/164, paras. 97-109).

D. Informal consultations of States parties to the 1995 Fish Stocks Agreement

21. The sixth round of informal consultations of States parties to the 1995 Fish Stocks Agreement was held in New York from 23 to 24 April 2007, for the purpose of considering the national, regional, subregional and global implementation of the Agreement, as well as the initial preparatory steps for the resumption of the Review Conference convened by the Secretary-General pursuant to article 36 of the Agreement.[3]

22. In relation to the implementation of the Agreement, the themes that emerged from the informal consultations included the need for ongoing efforts to modernize regional fisheries management organizations, the need for continuing action to combat illegal, unreported and unregulated fishing and the importance of maintaining momentum in the implementation of the recommendations of the Review Conference. States also emphasized the need to work to ensure universal participation in the Agreement. A general preference was expressed by many States for the resumption of the Review Conference in either 2010 or 2011. Nonetheless, the States parties to the Agreement did not make any recommendation to the sixty-second session of the General Assembly concerning their future programme of work.

III. Maritime space

A. Overview of recent developments regarding State practice, maritime claims and the delimitation of maritime zones

23. *Caribbean region.* By a communication dated 14 May 2007, the secretariat of the Conference of the Caribbean on Maritime Delimitation transmitted to the Secretariat of the United Nations the report of the Executive Secretary of the Conference on the work of the Conference and the final minutes of the fourth plenary meeting of the Conference (see *Law of the Sea Bulletin* No. 64).

[3] The report of the sixth informal consultations is available on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/depts/los/convention_agreements/convention_overview_fish_stocks.htm.

24. *Gulf of Guinea.* The Cameroon-Nigeria Mixed Commission, which was established pursuant to the joint communiqué adopted in Geneva on 15 November 2002, held its nineteenth ordinary meeting in Yaoundé on 5 and 6 July 2007. The Mixed Commission considered and adopted the report of the tenth meeting of the Working Group on the Maritime Boundary, which was held on 4 and 5 July 2007. It decided that the latter would hold an extraordinary meeting in Yaoundé on 23 and 24 August 2007, in order to finalize the loxodrome which extends beyond point X seaward. It requested the Working Group to consider the preliminary questions concerning the oil and gas fields straddling the maritime boundary and those along it, as well as cross-border cooperation.[4]

25. *Mediterranean Sea.* By a note verbale dated 16 March 2007, Slovenia transmitted to the Secretary-General the Act (PZ-C) Amending the Maritime Code of 2001 (PZ) (see A/61/63/Add.1, para. 18), adopted by the National Assembly of the Republic of Slovenia on 26 April 2006 (see *Law of the Sea Bulletin* No. 63).

26. In conformity with its due publicity obligations pursuant to article 21, paragraph 3, of the Convention, Montenegro transmitted to the Secretary-General, through a note verbale dated 25 May 2007, a copy of its Maritime and Inland Navigation Law (to be published in a future issue of the *Law of the Sea Bulletin*).

27. In a note verbale dated 31 May 2007, addressed to the Secretary-General, Croatia stated its position in reference to notes No. 1681 of 16 April 2004 and No. 1050 of 15 March 2006 addressed to the Secretary-General by Italy (see *Law of the Sea Bulletin* No. 64). The notes by Italy concerned the declaration of an ecological and fisheries protection zone in the Adriatic Sea by Croatia and the list of geographical coordinates defining the outer limits of that zone.[5]

28. In a note verbale dated 31 May 2007, addressed to the Secretary-General, Croatia stated its position with reference to diplomatic note N-26/06, of 21 February 2006, from Slovenia to the Secretary-General (see *Law of the Sea Bulletin* No. 64). By that note, Slovenia transmitted the text of the Ecological Protection Zone and Continental Shelf of the Republic of Slovenia Act of 4 October 2005.[6]

29. In connection with the developments reported in paragraph 9 of the main report (A/62/66), the Permanent Representative of Turkey addressed a letter to the Secretary-General on 23 July 2007 (A/61/1011-S/2007/456).

30. *Pacific Ocean.* By a note verbale dated 9 April 2007, Peru transmitted to the Secretariat the text of the Maritime Dominion Baselines Law, No. 28621, of 3 November 2005 (see www.un.org/Depts/los and *Law of the Sea Bulletin* No. 64).

31. By a note verbale dated 24 May 2007, Chile transmitted to the Secretariat the "Objection of the Government of Chile to the Maritime Dominion Baselines Law" of Peru (see www.un.org/Depts/los and *Law of the Sea Bulletin* No. 64). By a note verbale dated 9 August 2007, Peru transmitted its response to the objection made by

[4] See the communiqué adopted at the nineteenth meeting of the Cameroon-Nigeria Mixed Commission at www.un.org/unowa/cnmc/preleas/19thm.htm.

[5] See A/61/63/Add.1, para. 19. Notes No. 1681 and No. 1050 were published in the *Law of the Sea Bulletin*, No. 54 and No. 60 respectively.

[6] See A/61/63, para. 9. The text of the Act was published in *Law of the Sea Bulletin* No. 60.

Chile (see www.un.org/Depts/los and *Law of the Sea Bulletin* No. 65, to be issued at a later date).

32. *Persian Gulf.* By a letter dated 11 April 2007, Saudi Arabia transmitted to the Director of the Division for Ocean Affairs and the Law of the Sea, a declaration regarding "the request submitted on 14 January 2007 by the State of the United Arab Emirates and Qatar for registration of their agreement on the settlement of the maritime boundaries and the ownership of islands" (see *Law of the Sea Bulletin* No. 64).

B. The continental shelf beyond 200 nautical miles: the work of the Commission on the Limits of the Continental Shelf

33. The nineteenth session of the Commission was held at United Nations Headquarters from 5 March to 13 April 2007.[7] The plenary of the session was held from 26 March to 5 April, while the periods from 5 to 23 March and 9 to 13 April were used for the technical examination of submissions at the GIS laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea.

34. The Commission continued its consideration of the submissions made by Brazil, Australia, New Zealand, and the joint partial submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland, through the respective subcommissions established for their consideration. In addition, the Commission began consideration of a new submission from Norway.

1. Consideration of the submission made by Brazil[8]

35. The Chairman of the subcommission established for the consideration of the submission made by Brazil reported on the work done by the subcommission and submitted the recommendations it had prepared to the Commission. Presentations were made by four members of the subcommission focusing on the four geographical regions of the submission.

36. At the request of the delegation of Brazil and in accordance with the amended rules of procedure of the Commission, a meeting between the delegation and the Commission was held on 27 March 2007. The amended rules provide that after the subcommission presents its recommendations to the Commission, and before the Commission considers the recommendations, the coastal State may give a presentation on any matter related to its submission at the plenary meeting of the Commission. The coastal State may be allowed up to half a day for the presentation. The amended rules also provide that the coastal State and the Commission shall not engage in discussion on the submission or its recommendations at that meeting.

37. The Commission then proceeded with the consideration of the recommendations prepared by the subcommission. Several amendments were proposed and the Commission decided to incorporate some of them into the text of the recommendations. Thereafter, the Commission adopted the recommendations by a vote of 15 to 2, with no abstentions.

[7] For full details, see the statement of the Chairman of the Commission on the progress of work in the Commission (CLCS/54).

[8] For further details see CLCS/54, paras. 11-22.

2. Consideration of the submission made by Australia[9]

38. The subcommission established for the consideration of the submission made by Australia finalized its recommendations. It held two meetings with the delegation of Australia, during which, inter alia, the delegation made a comprehensive presentation of its views and general conclusions. The Chairman of the subcommission submitted the recommendations to the Commission by delivering a series of presentations focusing on the nine regions into which the submission is divided.

39. At the request of the delegation of Australia, a meeting between the delegation and the Commission was held on 28 March 2007 in accordance with the amended rules of procedure mentioned in paragraph 36 above.

40. The Commission then proceeded with the consideration of the recommendations prepared by the subcommission. It was decided that their adoption would be deferred to the twentieth session of the Commission.

3. Consideration of the submission made by Ireland[10]

41. At the eighteenth session, the subcommission had prepared the recommendations in regard to the partial submission made by Ireland and submitted them to the Commission, which decided to defer their consideration to the nineteenth session in order to allow all members of the Commission to study both the submission and the analysis made by the subcommission in more detail (see A/62/66, paras. 28 and 29). During the intersessional period the Secretariat made all the supporting material available to all members of the Commission through the established and secure means of communication.

42. At the nineteenth session, one member of the Commission requested that the examination of the recommendations be deferred to the twentieth session. After exhausting all efforts to achieve consensus on this matter the Commission decided to vote on the adoption of the recommendations. The Commission adopted the recommendations by a vote of 14 to 2, with 2 abstentions.

4. Consideration of the submission made by New Zealand

43. At the nineteenth session, a Vice-Chairman of the subcommission informed the Commission about the work carried out during the resumed eighteenth session, held from 13 to 17 November 2006, and the exchange of questions and responses that took place between the resumed session and the nineteenth session.

44. The subcommission continued its work during the nineteenth session and held a number of meetings with the delegation of New Zealand, during which the delegation made presentations in response to the questions posed by the subcommission. The subcommission also presented its preliminary considerations on matters relating to the western region and outstanding matters relating to the eastern and southern regions.

45. The subcommission decided that its members would continue their individual work intersessionally until the end of their term of office.

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[9] Ibid., paras. 23-33.

[10] Ibid., paras. 34-37.

5. Consideration of the submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland

46. During the nineteenth session, the Chairman of the subcommission provided the Commission with an overview of the work carried out during the intersessional period, in particular during the resumed eighteenth session held from 22 January to 2 February 2007, during which it had held four meetings with the delegations of France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland.

47. At the nineteenth session the subcommission made a comprehensive presentation to the four delegations of its views and general conclusions arising from the examination of the submission. The delegations, in turn, made a presentation expressing their initial reaction to the subcommission's views and conclusions. Subsequently, the delegations submitted additional material, as requested by the subcommission. The Chairman indicated that the subcommission would examine the additional material and a drafting group would work on the finalization of the recommendations prepared by the subcommission.

6. Consideration of the submission made by Norway

48. On 27 November 2006, Norway made its submission to the Commission through the Secretary-General. The submission by Norway is the seventh to be received by the Commission.

49. In accordance with rule 50 of the rules of procedure of the Commission, the Secretary-General circulated the Continental Shelf Notification, containing the executive summary of the submission and all charts and coordinates indicating the proposed outer limits of the continental shelf to all States Members of the United Nations, including States parties to the Convention.

50. At the nineteenth session, the Commission began its examination of the submission made by Norway. The submission was presented at the plenary meeting of 2 April 2007 by Rolf Einar Fife, head of the delegation of Norway.

51. The Commission established a new subcommission for the consideration of the Norwegian submission.[11] The subcommission completed its preliminary examination of the submission, in accordance with the rules of procedure, and held a number of meetings with the delegation of Norway. Its members also had the benefit of receiving training in the use of the Geocap software utilized in the preparation of the submission. The submission will be further examined during the twentieth session of the Commission.

7. New submission

52. On 22 May 2007, France submitted to the Commission, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured in respect of the areas of French Guiana and New Caledonia.

53. In accordance with rule 50 of the Commission's rules of procedure, the Secretary-General circulated a Continental Shelf Notification, containing the

[11] For the composition of the subcommission, see CLCS/54, para. 48.

executive summary of that submission and all charts and coordinates indicating the proposed outer limits of the continental shelf and the relevant territorial sea baselines, to all States Members of the United Nations, including the States parties to the Convention. The executive summary was made available on the website of the Commission, which is maintained by the Division for Ocean Affairs and the Law of the Sea. The examination of the submission has been included in the provisional agenda of the twentieth session of the Commission.

8. Projected workload of the Commission

54. At the nineteenth session, the Commission again addressed the suggestions voiced at the sixteenth session of the Meeting of States Parties with regard to its projected workload. It was noted that, for the second consecutive session, five submissions were under active consideration simultaneously and the respective subcommissions were holding numerous meetings with the delegations concerned. It was also noted that the facilities and staff of the Division for Ocean Affairs and the Law of the Sea were overstretched.

55. It was decided that the Chairman would once again address the matter relating to the workload of the Commission in his statement to the seventeenth Meeting of States Parties to the Convention and would make a more detailed presentation at that Meeting, especially in view of the fast-approaching deadline of May 2009 for several States to make their submissions (see paras. 13-16 above).

56. Submissions are made by States utilizing a number of specialist GIS software packages which are required by the Commission for its consideration of those submissions during and between its sessions (see SPLOS/157, para. 62). Many of these software packages have been obtained gratis for use within the GIS laboratories of the Division for Ocean Affairs and the Law of the Sea by temporary licensing arrangements, the conclusion of which will render the Secretariat incapable of providing the necessary GIS support. Moreover, the GIS laboratories are not all equipped with sufficiently powerful computers to permit examination of any submission (see SPLOS/157, para. 23). The Secretariat has also identified the need to implement the proper data management of submissions, as a result of the projected workload, and to meet additional technical requirements to facilitate the work which is expected to be done by individual members intersessionally (see CLCS/52, para. 40 (1)).

C. The Area: the work of the International Seabed Authority

57. The thirteenth session of the International Seabed Authority was held at Kingston from 9 to 20 July 2007. The Assembly of the Authority considered the annual report of the Secretary-General of the Authority (ISBA/13/A/2) presented in accordance with article 166, paragraph 4, of the Convention. The report provided an account of the work of the Authority since its previous session, and presented the Authority's programme of work for the period 2008-2010. It stated that the substantive work of the Authority during 2008-2010 would focus on the scientific and technical work necessary to carry out its functions under the Convention and the Part XI Agreement and in particular to promote a better understanding of the potential environmental impact of deep seabed mining. The secretariat of the Authority would study the developments relating to the exploration and exploitation

of resources of the continental shelf beyond 200 nautical miles in accordance with article 82, paragraph 4, of the Convention. Another important area of work related to the development of the Authority's environmental databases.

58. The Assembly requested the Secretary-General to make the final report of the Kaplan project available for the deliberations of the General Assembly of the United Nations on marine biological diversity beyond areas of national jurisdiction. The Assembly also approved the recommendations of the Finance Committee, including the terms of reference, guidelines and procedures for the International Seabed Authority Endowment Fund (ISBA/13/A/6). The initial capital of the Endowment Fund consisted of the balance, as at 18 August 2006, from the application fees paid by the former registered pioneer investors, together with accrued interest. As at 30 June 2007, the Endowment Fund had a balance of US$ 2,750,523. The terms of reference also provide that contributions to the Fund may be made by the Authority, members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons. The Assembly also adopted the recommendation of the Finance Committee that the four-year term of office of the Secretary-General commence on 1 January in the year following election and end on 31 December of the fourth year, in order to bring the term of office in line with other elected positions within the Authority.

59. The Council of the Authority resumed its consideration of the draft regulations on prospecting and exploration for polymetallic sulphides. It completed the first reading of regulations 1 to 43, contained in document ISBA/13/C/WP.1, and agreed to some revisions. It also agreed that regulations 1(3), 12, 16, 19(2)(a), 21, 24(2), 27, 28(2), 33(2), 35, 36(2), 36(3) and 38(2) would be taken up again at its next session in 2008. At that time, the Council would also consider annexes 1 to 4 to the draft regulations.

60. The Council discussed the future size and composition of the Legal and Technical Commission and the process for future election of its members. The Council took a decision with regard to streamlining the procedures for future elections, published in document ISBA/13/C/6. However, the Council was not able to reach agreement on the future size of the Legal and Technical Commission. The Council agreed that it was essential to decide the issue prior to the next election in 2011. To facilitate its deliberations, the Council has requested the Secretary-General of the Authority, taking into account the views of the Chairs of the Commission, to prepare a report for consideration by the Council in 2010 on the functioning of the Commission, with a view to the Council's determining in 2010 the number of members of the Commission to be elected in 2011 (ISBA/13/C/7, para. 8).

61. The Legal and Technical Commission began its examination of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts (ISBA/13/LTC/WP.1). The Commission focused on two issues, namely the size of the exploration area and the progressive fee system. The Commission felt that the information available to date was not sufficient to provide a recommendation to the Council on any given system for site allocation for prospecting and exploration, and suggested that the secretariat of the Authority prepare a more specific economic assessment for its consideration.

62. The fourteenth session of the Authority is scheduled to be held in Kingston from 26 May to 6 June 2008.

IV. Developments relating to international shipping activities

63. It has been estimated that over 90 per cent of world trade is conducted by sea. UNCTAD has reported that the operation of merchant ships contributes approximately $380 billion in freight rates to the global economy, equivalent to about 5 per cent of total world trade. It has also been estimated that there are approximately 50,000 merchant ships trading internationally, and that the world fleet is registered in over 150 States (although the greatest share of the world's gross tonnage is in the hands of a few States) and operated by over a million seafarers of virtually every nationality[12] (see also A/62/66, para. 45).

64. In order to maintain its contribution to global trade, it is essential for international shipping to be regulated for ship safety, including standards of construction and surveying of vessels, labour conditions and proper training of crew (see sect. V.A below), safety and security of shipping routes, and effective implementation and enforcement by States of international rules and standards. In addition, measures need to be taken to effectively prevent and combat threats to maritime security, including attacks against ships (see sect. VI) and to prevent, reduce and control pollution from ships (see sect. X.D).

65. Recent developments relating to the safety of navigation and its regulation by international organizations, in particular IMO, are presented below. Further progress on these issues is expected during meetings of IMO bodies, including the IMO Assembly, later in 2007.

A. Safety of navigation

66. IMO is developing an all-embracing e-navigation system which will integrate existing and new navigational tools, in particular electronic tools, and thus enhance navigational safety, accident prevention and environmental protection while delivering substantial operating efficiencies with consequent economic benefits.[13] The IMO Sub-Committee on Safety of Navigation (NAV) at its fifty-third session continued its work on developing a strategy for the system, including the definition of e-navigation,[14] core objectives (e.g. facilitating safe and secure navigation of vessels), vessel traffic observation and management and communications. It was noted that, while basic technologies for e-navigation were available, challenges lay in ensuring the availability of all other components, including electronic navigational charts, and in combining them in a holistic and systematic manner so that they could be used effectively to simplify the display of pertinent navigational information.[15]

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[12] Information on the composition of the world fleet and seafarers is available on the website of the International Chamber of Shipping/International Shipping Federation at www.marisec.org.

[13] See IMO website at www.imo.org and opening statement by the Secretary-General of IMO at the fifty-third session of the Sub-Committee on Safety of Navigation (23-27 July 2007), IMO document NAV 53/22, para. 1.4.

[14] It was provisionally agreed to define e-navigation as "the harmonized collection, integration, exchange, presentation and analysis of maritime information onboard and ashore by electronic means to enhance berth to berth navigation and related services, for safety and security at sea and protection of the marine environment". See IMO document NAV 53/22, para. 13.15.

[15] Ibid., para. 1.4.

1. Hydrographic surveying and nautical charting

67. There has been a steady increase in the production of electronic navigational charts worldwide, although many coastal States still do not have the hydrographic capability to produce the required charts, or the resources to ensure consistency and quality standards.[16] It was noted at the fifty-third session of NAV that in many areas of the world an electronic navigational chart would merely be a reflection of existing paper charts.[17] Concerns were expressed in regard to achieving global coverage of electronic navigational charts, especially since such coverage is largely considered to be a prerequisite to the Electronic Chart Display and Information Systems (ECDIS) becoming a mandatory requirement, although some States understand that absolute coverage was not necessary or even achievable.[18] No decision has yet been taken on a carriage requirement for ECDIS, which some States consider to be premature at this stage.[19] Concerns have been raised on the necessity, feasibility and cost-effectiveness of such a requirement, and it was noted that the present cost of an electronic navigational chart could be up to four times that of the equivalent paper chart. A phased implementation schedule for ECDIS has been suggested.[20] In view of the possible introduction of a requirement to carry ECDIS, the production of electronic navigational charts is expected to continue increasing, leading eventually to an adequate coverage of consistent electronic navigational charts.[21] The International Hydrographic Organization has indicated that it is committed to achieving such coverage by 2010.[22]

2. Routes used for international navigation

68. At its fifty-third session, NAV approved a number of proposals for new and amended traffic separation schemes and other routing measures which will be submitted to the Maritime Safety Committee and the Assembly of IMO for adoption.[23] For example, NAV approved amendments to the existing areas to be avoided in the region of the north-western Hawaiian Islands of the United States of America (see para. 216 below), and at Maas Centre and North Hinder Junction Point, Netherlands; the establishment of new areas to be avoided off the south-eastern coast of Brazil, in the Campos Basin region, and off the southern and south-western coast of Iceland; a seasonal area to be avoided to reduce the likelihood of ship strikes to right whales in Roseway Basin, Nova Scotia (Canada); and new mandatory no-anchoring areas on Sharks Band and Long Shoal (Barbados). It also approved amendments to the deep-water route leading to Europoort (Netherlands), the route north-east of Gedser (Denmark and Germany), and the Sandettie route (United Kingdom). NAV also approved recommendations on navigation to the Polish ports through the Gulf of Gdańsk traffic area and amendments to the recommendation on navigation through the entrances to the Baltic Sea and recommendations on navigation through the English Channel and the Dover Strait.

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[16] Ibid., paras. 5.3 and 5.21.
[17] Ibid., para. 5.21.
[18] Ibid., para. 14.4.
[19] Ibid., para. 14.7.
[20] Ibid., paras. 5.21, 14.8, 14.10.
[21] Ibid., paras. 5.3 and 5.18.
[22] Ibid., paras. 5.21 and 5.22.
[23] Ibid. sect. 3.

69. With respect to ship reporting systems, NAV approved a new recommendatory/mandatory system for the Papahānaumokuākea Marine National Monument (see para. 216 below); new mandatory ship reporting systems for the approaches to the Polish ports in the Gulf of Gdańsk and off the southern and south-western coast of Iceland; and amendments to the existing mandatory ship reporting systems "Off Ushant", "Off Les Casquets" and "Dover Strait/Pas de Calais".

70. Singapore and IMO will convene a meeting in Singapore from 4 to 6 September 2007 on enhancing safety, security and environmental protection in the Straits of Malacca and Singapore. The meeting will provide a forum to build on the outcome of earlier meetings in Jakarta and Kuala Lumpur and to further enhance the cooperation among the littoral States, user States and other stakeholders in relation to the Straits of Malacca and Singapore.

B. Implementation and enforcement

71. Flag State's effective control over vessels flying their flag is essential to ensure implementation and enforcement of international instruments, such as the United Nations Convention on the Law of the Sea and mandatory IMO instruments. Port States have a complementary role in this regard, which is also important in the context of fisheries (see paras. 117, 121 and 136 below).

72. The IMO Sub-Committee on Flag State Implementation agreed on draft amendments to the code for the implementation of mandatory IMO instruments (adopted by resolution A.973(24)), which forms the basis of the voluntary IMO member State audit scheme. The amendments will be submitted to other IMO bodies for approval prior to their submission to the IMO Assembly for adoption later in 2007.[24] The draft revised code will take account of amendments to mandatory IMO instruments that have entered into force or become effective since the adoption of resolution A.973(24) in 2005 in order to provide member States to be audited, as well as auditors, with an up-to-date auditing standard. Since September 2006, 31 States have volunteered for the audit and 12 audits have been successfully completed as at 22 April 2007.[25]

73. In addition, the Sub-Committee continued its work on, inter alia, considering links between casualty data and port State control data, including studying the feasibility of combining such data sets,[26] developing revised procedures for port State control, developing a code of good practice for port States control officers and revising survey guidelines under the harmonized system of survey and certification, taking into account amendments to IMO instruments. The Sub-Committee decided to commence revision at its next meeting of the revised guidelines on the implementation of the International Safety Management Code by administrations (resolution A.913(22)) and to develop amendments to the Code.

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[24] Ibid. The draft revised code was approved by MEPC in July 2007, and will be submitted to the Maritime Safety Committee for approval in October 2007.

[25] Statement by IMO at the eighth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (25-29 June 2007).

[26] According to one study, depending on the overall risk profile of a ship, a port State control inspection could potentially decrease the probability of a very serious casualty by approximately 5 per cent per inspection.

C. Wreck removal

74. The International Conference on Wreck Removal, held in Nairobi from 14 to 18 May 2007, was attended by representatives from 64 States and concluded with the adoption of the Nairobi International Convention on the Removal of Wrecks, 2007. The new Convention will provide the legal basis for States to remove, or have removed, from their exclusive economic zones, wrecks that may pose a hazard to navigation or, because of the nature of the cargo, to the marine environment. The Conference also adopted resolutions on compulsory insurance certificates under existing maritime liability conventions and on the promotion of technical cooperation and assistance.[27]

75. The new Convention will fill a gap in the existing international legal framework by providing a set of uniform international rules aimed at ensuring the prompt and effective removal of wrecks located beyond the territorial sea. It includes an optional clause to allow States parties to apply certain provisions to their territory, including the territorial sea. The clause resolved an issue over whether the scope of the new Convention should apply to the territorial sea, and will allow those States parties electing to do so to benefit from mandatory international insurance provisions in the new Convention in relation to claims concerning the removal of wrecks in that zone. With regard to insurance, all registered owners of ships of 300 tons and above, flying the flag of a State party, will be required to take out insurance to cover the costs of removal and provide States parties with a right of direct action against insurers. The new Convention also provides for the application, mutatis mutandis, of Part XV of UNCLOS relating to the settlement of disputes if no settlement was possible within 12 months.

76. The new Convention will be open for signature from 19 November 2007 until 18 November 2008, and thereafter will remain open for accession. It will enter into force 12 months following the date on which 10 States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of IMO.

V. People at sea

77. The safety of human life at sea, whether of seafarers, fishers or people who migrate by sea, remains an issue of serious concern. In that regard, the comprehensive standard on work in the fishing sector adopted by ILO at its Conference in 2007 represents a significant development in securing decent working and living conditions for fishers. In contrast, there are repeated calls for improved responses to the continuing flow of people who undertake clandestine journeys to migrate, including appeals to provide humanitarian responses to vessels in distress.

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[27] Report on the International Conference on the Removal of Wrecks, 2007, IMO document LEG 93/7; adoption of the Final Act and any Instruments, Recommendations and Resolutions resulting from the work of the Conference, LEG/CONF.16/19.

A. Fishers and seafarers

1. Fishers

78. At its ninety-sixth session, held in Geneva from 30 May to 15 June 2007, the International Labour Conference adopted the Work in Fishing Convention, 2007 (No. 188) and Work in Fishing Recommendation, 2007 (No. 199).[28] The Convention revises and brings up to date existing conventions concerning work in the fishing sector. Its objective is to provide decent working conditions for some 30 million workers in the fishing sector, the vast majority of whom work on small vessels in developing countries. It is estimated that the new convention will cover more than 90 per cent of fishers.[29] As emphasized in previous reports, fishing at sea is one of the world's dangerous occupations.

79. The standards set out in the new Convention address living and working conditions as well as safety on board fishing vessels. The Convention sets out the responsibilities of fishing vessel owners and skippers for the safety of fishers on board and the safe operation of the vessel. Part III of the Convention, which concerns minimum requirements for work on board fishing vessels, establishes minimum age requirements and requirements for medical examination of fishers and medical certificates. In part IV, which addresses conditions of service, there are requirements relating to staffing and hours of rest, crew lists, repatriation, recruitment and placement, payment of fishers and fishers' work agreements. Part V of the Convention sets out requirements concerning accommodation and food. Part VI regulates medical care, health protection and social security.

80. Exemptions or alternative requirements to some of the general standards in the Convention are allowed in certain circumstances. Higher standards are prescribed in some instances, including for fishing vessels of 24 metres in length or over,[30] and/or fishing vessels that normally remain at sea for more than three days. Part I of the Convention contains provisions which allow for flexibility in the implementation of the Convention. A State may exclude certain categories of fishers or fishing vessels from the application of the Convention where its application raises special problems of a substantial nature. In addition, progressive implementation of the Convention is possible for States that have insufficiently developed infrastructure or institutions.

81. Obligations are imposed on flag States to ensure compliance with the requirements of the Convention (article 40). Under article 41 of the Convention, a flag State is required to ensure that fishing vessels carry a document issued by a competent authority of the flag State stating that the vessel has been inspected for compliance with the provisions of the Convention concerning living and working conditions. This requirement applies to "fishing vessels remaining at sea for more than three days which: (a) are 24 metres in length and over; or (b) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater".

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[28] ILO, International Labour Conference, ninety-sixth session, provisional records 12A and 12B, Geneva, 2007.

[29] ILO press release issued on 29 May 2007, reference FTR/07/fishing, available from www.ilo.org.

[30] The Convention provides that a State may use alternative standards (length overall and gross tonnage) in place of length as the basis for measurement (article 5 and annexes I and III).

82. As also provided for in some earlier ILO conventions, including the Maritime Labour Convention, 2006 (see A/61/63, para. 79), the Work in Fishing Convention contains provisions for port State enforcement. Upon receiving a complaint or obtaining evidence that a fishing vessel present in its port under certain circumstances does not conform to the requirements of the Convention, a port State may prepare a report addressed to the Government of the flag State of the vessel, with a copy to the Director-General of ILO, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health. The port State shall not unreasonably detain or delay the vessel. There is also a requirement to apply the Convention in such a way so as to ensure that fishing vessels flying the flag of a State that has not ratified the Convention do not receive more favourable treatment than fishing vessels that fly the flag of any State that has ratified it.

83. The Convention will enter into force 12 months after the date on which the ratifications of 10 members of ILO, eight of which are coastal States, have been registered with the Director-General of ILO.

84. The Work in Fishing Recommendation, 2007, provides additional guidance for States on the matters covered by the Convention. It addresses conditions for work on board fishing vessels, conditions of service, accommodation, medical care, health protection and social security.

2. Seafarers

85. The issue of protection of ship's crews has been considered by the International Law Commission as part of its work on the subject of diplomatic protection. During its fifty-eighth session, the Commission adopted draft articles on diplomatic protection and commentaries to the draft articles.[31] Draft article 18, entitled "Protection of ships' crews", provides that "[t]he right of the State of nationality of the members of the crew of a ship to exercise diplomatic protection is not affected by the right of the State of nationality of a ship to seek redress on behalf of such crew members, irrespective of their nationality, when they have been injured in connection with an injury to the vessel resulting from an internationally wrongful act".

86. The commentary to draft article 18 notes, inter alia, that the right of the flag State to seek redress in respect of the members of the ship's crew cannot be characterized as diplomatic protection in the absence of the bond of nationality between the flag State and the members of the ship's crew. There is nevertheless a close resemblance between this type of protection and diplomatic protection.

87. By its resolution 61/35 of 4 December 2006, the General Assembly took note of the draft articles on diplomatic protection presented by the Commission and invited Governments to submit comments concerning the recommendation by the Commission to elaborate a convention on the basis of the articles.[32]

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[31] The fifty-eighth session of the International Law Commission was held in Geneva from 1 May to 9 June and from 3 July to 11 August 2006. See chapter IV of the report of the Commission on the work of its fifty-eighth session, *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10).

[32] For the report of the Secretary-General on diplomatic protection, see A/62/118 and Add.1.

B. International migration of people by sea

88. Previous reports of the Secretary-General have documented the dangerous journeys undertaken by people who take to the sea to cross international borders in a clandestine manner. Dangers arise, inter alia, due to unseaworthiness of the vessels and the involvement of smugglers in organizing the journeys. There are continuing reports of people dying or going missing at sea during these voyages in various parts of the world. For example, during the first six months of 2007, 367 people died and 118 remained missing after embarking on the crossing from Somalia to Yemen. Many of them lost their lives at the hands of smugglers, after paying about US$ 50 to make the journey.[33]

89. Some States have responded to the problems of international migration by sea by enhancing monitoring and surveillance of borders and through international cooperation. For example, in 2007, Frontex, the European border management agency, launched the European Patrols Network, which aims to bolster the security of the southern coastal borders of the European Union (EU). Frontex and EU member States also continue to carry out monitoring and other operations, together with West African partner countries, to try to stem the migration flow to the Canary Islands.[34] It is expected that the EU-Africa summit, to be held in November 2007 in Madrid will consider illegal immigration and broader issues relating to the management of migration within the context of the EU-Africa partnership on migration, mobility and employment.[35]

90. Although firmly established in international law, the obligation to rescue persons at sea is not always complied with. When it is, shipmasters often face difficulties disembarking people rescued at sea, although coastal States are obliged to coordinate and cooperate so that the rescued persons are disembarked from the assisting ship and delivered to a place of safety (see A/61/63/Add.1, para. 55). In the first half of 2007, there were reports of three vessels in distress in the Mediterranean Sea which were not offered assistance by shipmasters or were refused disembarkation.[36] In February 2007, it was reported that the *Marine I*, located off the West African coast and carrying some 400 people, had not been allowed to disembark for several days.[37]

91. In light of these recent incidents, IMO and UNHCR have announced that they intend to convene a high-level inter-agency meeting later in 2007 to try to achieve closer cooperation among agencies to alleviate the humanitarian problems arising from international migration by sea.

92. As mentioned in an earlier report (A/61/63/Add.1, para. 57), a practice has developed whereby fines are often imposed upon shipowners when "a passenger is

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[33] "Gulf of Aden and Mediterranean: More deaths at sea", UNHCR Briefing Notes, 10 July 2007, available at www.unhcr.org/news.

[34] See news releases entitled "Hera III operation" (13 April 2007) and "European Patrols Network" (24 May 2007), available at www.frontex.europa.eu.

[35] See communication from the European Commission entitled "From Cairo to Lisbon — the EU-Africa strategic partnership", COM(2007) 357 final, 27 June 2007, available from www.ec.europa.eu.

[36] "Mediterranean boats: UNHCR thanks life-saving crews, calls on coastal states to fulfil their obligations", UNHCR Briefing Notes, 1 July 2007, available at www.unhcr.org/news.

[37] "UNHCR urges disembarkation for people on boat in West Africa", UNHCR press release, 8 February 2007, available at www.unhcr.org/news.

found by public authorities to have inadequate documentation or if, for that reason, the passenger is found to be inadmissible to the State". This can create a disincentive for shipmasters to rescue persons in distress at sea. The thirty-fourth session of the IMO Facilitation Committee considered a draft amendment to the Convention on Facilitation of International Maritime Traffic to codify this practice was considered (see IMO document FAL 34/19). The Facilitation Committee approved an amendment to replace the existing Standard 3.15, which provides that public authorities shall not impose any penalty upon shipowners in the circumstances described above, with Recommended Practice 3.15, which recommends that public authorities not impose unreasonable or disproportionate fines upon shipowners in such circumstances. The amendment, together with other amendments to the Convention, will be put forward for adoption at the thirty-fifth session of the Facilitation Committee to be held in 2008.

93. The Facilitation Committee also addressed the issue of stowaways during its thirty-fourth session. It noted that during 2006, there were 244 reported stowaway cases involving 657 stowaways. This represents a substantial increase when compared to the figures for 2005, in which 96 cases involving 209 stowaways were reported to IMO. A further substantial increase in the incidence of stowaways appears likely in 2007. From January to July 2007, 186 cases involving 642 stowaways were already reported (see www.imo.org). The Facilitation Committee agreed to establish a stowaway focal point within the IMO secretariat on a trial basis. The primary function of the focal point is to provide assistance for the successful resolution of stowaway cases only when the parties concerned have not been able to resolve the case. The Committee agreed to review the experience of the trial at its next session.[38]

VI. Maritime security

94. The international community continues to make efforts to prevent and suppress illegal activities on the oceans. Elements of this include creating the appropriate legislative frameworks for addressing the numerous and diverse threats to maritime security, as well as providing the appropriate mechanisms for enforcing the rules and regulations applicable to ships and offshore platforms, consistent with international law, including the United Nations Convention on the Law of the Sea. International cooperation continues to be a key tool in this regard. In addressing offences such as international terrorism, piracy and armed robbery at sea, the smuggling of migrants (see paras. 88 and 89 above) and illicit traffic in narcotic drugs and psychotropic substances, the need for international cooperation has been particularly underscored by the international community. Some recent initiatives which address threats to maritime security, in particular terrorist acts against shipping and piracy and armed robbery against ships, are highlighted below.

95. One recent initiative to prevent illicit traffic in narcotic drugs and psychotropic substances by sea was the adoption by IMO of the Revised Guidelines for the

[38] For the terms of reference for the conduct of the trial, see annex 3 of IMO document FAL 34/19.

Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic.[39]

96. Since the issuance of the main report (A/62/66), a number of regional initiatives relating to maritime security have also been undertaken. Among these, IMO held a seminar in Manama from 23 to 26 April 2007 on maritime security for countries from the Gulf area;[40] the Regional Forum of the Association of Southeast Asian Nations held its first maritime security shore exercise in Singapore from 22 to 23 January 2007 and a round-table discussion on stocktaking of maritime security issues in Bali, Indonesia, from 23 to 24 August 2007 (see www.aseanregionalforum.org); the International Maritime Bureau of the International Chamber of Commerce held its sixth triannual conference on piracy and maritime security, in Kuala Lumpur on 12 and 13 June 2007;[41] and the Inter-American Committee Against Terrorism of the Organization of American States developed a partnership with the Inter-American Drug Abuse Control Commission and the Inter-American Committee on Ports, in conjunction with the Governments of Canada and the United States, to organize and deliver, at the regional and subregional levels, a crisis management exercise at port facilities, subregional workshops on best practices in the implementation of international maritime security standards, and to implement a project entitled "Port security assessment and training" in one of its member States.[42] In addition, some academic and private sector institutions have organized events related to maritime security, such as the thirty-first annual Virginia Law of the Sea Conference, on "Legal challenges in maritime security", held in Heidelberg, Germany, from 24 to 26 May 2007,[43] and the Maritime Safety and Security Africa 2007 conference, held in Cape Town, South Africa, from 30 July to 2 August 2007.[44]

97. Moreover, many States are taking measures at the national level to improve maritime security. At the request of the Government of Lebanon, the United Nations has established a Maritime Task Force as part of the United Nations Interim Force in Lebanon (UNIFIL), to assist Lebanese naval and security forces in Lebanese territorial waters in preventing the unauthorized entry of arms and related materials

[39] See report of the Facilitation Committee on its thirty-fourth session, IMO document FAL 39/19, para. 7.3 and annex 2 (resolution FAL.9(34)).

[40] Participants from Bahrain, the Islamic Republic of Iran, Oman, Pakistan, Qatar, Saudi Arabia, the United Arab Emirates, and Yemen received a number of presentations from the Division for Ocean Affairs and the Law of the Sea, the United Nations Office on Drugs and Crime, the International Criminal Police Organization, the United Kingdom Royal Navy, the United States Navy, the United States Coast Guard, Dubai Ports World and Imsarc Ltd.

[41] See International Maritime Bureau, "Piracy and armed robbery against ships" (1 January-30 June 2007), pp. 23 and 24.

[42] See www.cicte.oas.org/Rev/En/ProgramsMonth/2007_07_Ports.asp.

[43] Organized by the Max Planck Institute for Comparative Public Law and International Law, the Marine Law and Ocean Policy Centre, University of Ireland, Galway, and the Center for Oceans Law and Policy, University of Virginia School of Law. See www.mpil.de/ww/en/pub/research/events/legal_challenges.cfm.

[44] See www.iqpc.co.uk/cgi-bin/templates/singlecell.html?topic=221&event=13224.

into Lebanon by sea (see S/2006/730, paras. 35 and 36).[45] Since its establishment on 15 October 2006, the Maritime Task Force has hailed and confirmed the identity of over 6,000 ships and identified over 35 suspicious vessels for inspection. It has also assisted two vessels in distress and participated in search and rescue operations that saved the lives of 18 seafarers (S/2007/392, para. 26, and S/2007/147, para. 16). The Maritime Task Force is the first of its kind in the history of peacekeeping and presents new challenges to the Organization (A/61/883, para. 11). It is expected that the Maritime Task Force will continue to play an important role in the fulfilment of the mandate of UNIFIL.

A. Terrorist acts against shipping

98. The prevention and suppression of acts of terrorism against shipping and offshore installations continues to be a priority for the international community. Given the cross-boundary nature of the threats posed by international terrorism and international terrorist networks, international cooperation remains an essential tool for their prevention and suppression. Any measures taken to prevent terrorist acts against shipping, offshore installations and other maritime interests must be in conformity with international law, including the United Nations Convention on the Law of the Sea. Accordingly, through the United Nations, IMO and other organizations, States have developed an international legal framework for countering international terrorism on land and on the oceans, which includes 16 global instruments.[46]

99. On 7 July 2007, one of these 16 instruments, the International Convention for the Suppression of Acts of Nuclear Terrorism, entered into force.[47] It provides, in article 9, that each State party shall take such measures as may be necessary to establish its jurisdiction over the offences covered therein when (a) the offence is committed in the territory of that State; or (b) the offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or (c) the offence is committed by a national of that State.

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[45] In paragraph 14 of resolution 1701 (2006), the Security Council had called upon the Government of Lebanon to secure its borders and other entry points to prevent the entry into Lebanon without its consent of arms and related materiel, and requested UNIFIL to assist the Government of Lebanon at its request. Furthermore, paragraph 15 of the resolution imposed an obligation on all States to take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft, the sale or supply in Lebanon of arms and related materiel and the provision of technical assistance related to the provision, manufacture, maintenance or use of arms and related materiel, unless authorized by the Government of Lebanon or by UNIFIL.

[46] For more information, see the report of the Secretary-General on measures to eliminate international terrorism, A/61/210, sect. IV.

[47] The Convention was adopted by the General Assembly in resolution 59/290 of 13 April 2005. It entered into force 30 days after the deposit of its twenty-second instrument of ratification, acceptance, approval or accession. For a list of States parties, see http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXVIII/treaty19.asp.

Implementation of the International Ship and Port Facility Security Code

100. The 2002 amendments to SOLAS, which include the ISPS Code, entered into force on 1 July 2004 for all contracting parties to SOLAS. The secretariat of UNCTAD conducted a global study on the implementation of the ISPS Code to establish the range and order of magnitude of Code-related expenditures made from 2003 to 2005, to gain insight on funding mechanisms adopted or envisaged, and to clarify matters relating to the implementation process, level of compliance and other less quantifiable impacts. The study was prepared on the basis of completed questionnaires received from 45 Governments and 55 port authorities, mainly of developed countries. The results of this study have been issued in a report entitled "Maritime security: ISPS Code implementation, costs and related financing" (UNCTAD/SDTE/TLB/2007/1).

101. The key findings derived from the responses from port authorities included the following: the port sector had achieved full compliance with the ISPS Code with limited or no major difficulties; relative implementation costs appeared substantially higher for smaller ports than larger ports; the estimated global port-related costs ranged from approximately US$ 1.1 billion to US$ 2.3 billion for initial implementation and from US$ 0.4 billion to US$ 0.9 billion for annual maintenance and operation of the security regime; a significant proportion of respondent ports envisioned adopting market-driven schemes to recover the costs of ISPS Code implementation; and public funding and assistance was expected by only a minority of respondent ports.

102. The key findings from Government responses, which represented all regions except North America and Oceania, included the following: respondents recognized the positive impact of the ISPS Code in terms of enhancing security, but were concerned over the potential costs of implementation; most respondent Governments had relied on dedicated legislative and regulatory instruments for national implementation of the Code and delegated certain duties to "recognized security organizations"; not all Governments provided financial assistance to their ports for the implementation of the ISPS Code, leading to a lack of uniformity in the Governments' approaches to public assistance rendered to national ports; and the request of ports and Governments for assistance suggested that international organizations might have a role to play in facilitating global implementation of the ISPS Code, including through technical assistance and capacity-building initiatives.

B. Piracy and armed robbery against ships

103. The number of acts of piracy and armed robbery against ships reported to IMO in the first six months of 2007 totalled 137,[48] representing an increase of 7 incidents compared to the equivalent period in 2006 and 26 incidents compared to the six-month period from 1 July to 31 December 2006.[49] The main areas affected were the South China Sea (34 incidents), East Africa (29), West Africa (28), the Indian Ocean (24), South America (7), the Malacca Straits (7), the Arabian Sea (5), the Persian

[48] See monthly reports of IMO on piracy and armed robbery against ships, MSC.4/Circ.99, 100, 101, 102, 103 and 104.

[49] See quarterly reports of IMO on piracy and armed robbery against ships, MSC.4/Circ.93 and 97 and Corr.1.

Gulf (1) and the Mediterranean Sea (1).[50] Most of the attacks took place or were attempted in territorial waters while ships were at anchor or berthed. Reports received by the International Maritime Bureau indicate that the level of violence against crew has increased during the first half of 2007, with 152 crew members taken hostage, 41 kidnapped, 3 killed and 19 injured.[51] Statistics regarding piracy and armed robbery in the Asian region are now also available from the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, established in Singapore in November 2006 (see www.recaap.org). According to the Centre's report on the first six months of 2007, 32 actual and 11 attempted incidents of piracy and armed robbery against ships were reported in the region during that period. Overall, there was a decline in the number of incidents, in particular in Bangladesh and the Makassar Strait region, compared to the same period in 2006 and 2005. The Centre's Governing Council held its first special meeting in Singapore on 5 July 2007.

104. According to the International Maritime Bureau, the waters around Nigeria and Somalia remain particularly dangerous areas for navigation. The Bureau has recommended that ships stay at least 200 nautical miles from the Somali coastline, in the light of the recent upsurge in hijackings and other attacks. Notably, perpetrators have also engaged in attacks on, and seizure of, ships carrying food aid to Somalia under the auspices of the World Food Programme.[52]

105. IMO has responded to the situation in Somalia by, inter alia, issuing a circular (MSC.1/Circ.1233) inviting the concerned member Governments and international organizations, as a matter of urgency, to bring to the attention of shipowners, ship operators and managers, shipping companies, shipmasters and all other relevant parties, the need to comply with IMO recommendations and guidelines for preventing and suppressing piracy and armed robbery against ships (MSC/Circ.622/Rev.1 and Circ.623/Rev.3). Furthermore, the IMO Council, at its ninety-eighth session, endorsed the proposal of the Secretary-General of IMO to seek, through the Secretary-General of the United Nations, the further engagement of the Security Council to promote and facilitate the international community's efforts to combat acts of piracy and armed robbery off the coast of Somalia and, in particular, against ships carrying humanitarian aid. More particularly, the Security Council would be encouraged to request the Transitional Federal Government of Somalia to take action, as necessary and appropriate in the circumstances, to prevent and suppress acts of piracy and armed robbery against ships, including granting its consent for ships operating in the Indian Ocean to enter its country's territorial waters when engaging in operations against pirates or suspected pirates and armed robbers endangering the safety of life at sea.[53]

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[50] The location of one incident was not specified in the IMO monthly reports.

[51] International Maritime Bureau, "Piracy and armed robbery against ships" (1 January-30 June 2007).

[52] International Maritime Bureau, "Piracy and armed robbery against ships" (1 January-30 June 2007), p. 16.

[53] Summary of the decisions of the IMO Council at its ninety-eighth session (25-29 June 2007), IMO document C 98/D, para. 10.6.

VII. Marine science and technology

106. Marine science and technology play an important role in promoting the sustainable management and use of the oceans and seas. Several organizations, in particular IOC, have developed, in addition to capacity-building activities, a number of scientific projects, some of which are described below (for further information see A/56/58, A/60/63/Add.1 and A/62/66).

A. Marine science

107. *Global Ocean Observing System*. The IOC-WMO-UNEP Intergovernmental Committee for the Global Ocean Observing System held its eighth session from 13 to 15 June 2007 at UNESCO headquarters in Paris and focused on the sustainability of and regional development of the System, as well as capacity-building. Among the proposals put forth at the session, the Intergovernmental Committee was encouraged to make a concerted effort with partners to ensure the continuity of space observation as regards altimetry and ocean colour, and to make the achievements of the System better known.[54] The twenty-fourth session of the IOC Assembly endorsed most of the proposals made at the meeting of the Intergovernmental Committee in its resolution XXIV-7. It also acknowledged the importance of the regional implementation of the System's coastal modules facilitated by its regional offices for Europe, Africa and the Caribbean.

108. *International Oceanographic Data and Information Exchange*. At its nineteenth session, held in Trieste, Italy, from 12 to 16 March 2007, the IOC Committee on International Oceanographic Data and Information Exchange discussed specific recommendations for updating its draft strategic plan to ensure its compatibility with the data management strategy of the Joint WMO-IOC Technical Commission for Oceanography and Marine Meteorology. The IOC plan stresses the importance of interoperability between the different data management systems being developed in the oceanographic and meteorological communities, and with the WMO information system in particular.

109. *IOC Advisory Body of Experts on Oceans and the Law of the Sea*. The seventh meeting of the Advisory Body was held in Libreville from 19 to 23 March 2007.[55] It focused its work on the draft guidelines of IOC for the collection of oceanographic data by specific means within the context of the United Nations Convention on the Law of the Sea (IOC/ABE-LOS VII/7). The Advisory Body reached a provisional agreement on the definitions contained in the draft document, including an initial list of variables and parameters to be updated on a regular basis by the IOC Assembly.[56]

110. By resolution XXIV-12 adopted at its twenty-fourth session, the IOC Assembly decided that the Advisory Body should pursue its work on the IOC legal framework for the collection of oceanographic data in close cooperation with the Intergovernmental Committee for the Global Ocean Observing System and the

[54] Document IOC-WMO-UNEP/I-GOOS-VIII/3s.

[55] The report of the meeting is contained in document IOC/ABE-LOS VII/3.

[56] IOC-XXIV/3 prov. Pt.2. These variables and parameters are part of the definition of "oceanographic data" contained in the draft document and pertain to the quantification of the characteristics of the ocean in time and space.

Division for Ocean Affairs and the Law of the Sea. The Assembly encouraged the Advisory Body to arrive at a consensual text as soon as practicable (see also General Assembly resolution 61/222, para. 110). Some member States noted that the guidelines on operational oceanography would be critical for the implementation of a global operational ocean observing system and related IOC programmes.

111. In addition, the Intergovernmental Oceanographic Commission Assembly decided that the Advisory Body should contribute, as required, to the updating of the United Nations guide to the implementation of the United Nations Convention on the Law of the Sea in respect of marine scientific research, in close cooperation with the Division for Ocean Affairs and the Law of the Sea. The current guide is annexed to the publication "Procedure for the Application of Article 247 of the United Nations Convention on the Law of the Sea by the Intergovernmental Oceanographic Commission", which was prepared by IOC in collaboration with the Division (see also A/61/63/Add.1, para. 168).

112. At its eighth meeting, the Advisory Body will resume consideration of the questionnaires on marine scientific research and transfer of marine technology, which are posted on its website (http://ioc3.unesco.org/abelos). Attention was drawn at the seventh meeting to the ongoing development of the roster of experts and orientation guide established pursuant to IOC resolution XXIII-8 for the purpose of providing IOC member States, upon request, with advice and assistance in the development of national legislation relating to part XIII of the Convention, on marine scientific research, and part XIV on the development and transfer of marine technology.

B. Early warning systems

113. On 2 April 2007, an earthquake of a magnitude of 8.1 on the Richter scale and a tsunami devastated the Solomon Islands in the Pacific, causing loss of life and damage not only to property but also to coral reefs surrounding the islands and other vulnerable marine ecosystems.[57] Some effects also occurred in Papua New Guinea.[58] The Pacific Tsunami Warning System (created by IOC in 1960) helped to send early warnings across the region, allowing authorities in most areas to take preventive action. But the earthquake's epicentre was only 43 kilometres from the coast of the Solomon Islands, which left little time for warnings to reach the residents of Gizo, the area that was most severely affected by the tsunami.[59] In the case of the Solomon Islands, the tsunami showed the need for a stronger emergency response in the world's most vulnerable island nations: despite a newly strengthened warning system in the Pacific, which issued bulletins within minutes of the earthquake occurring and updates at regular intervals, a tsunami claimed again lives and wreaked havoc on coastal communities.[60]

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[57] The Solomon Islands lie on the Pacific Basin's "Ring of Fire", an arc of volcanoes and fault lines where earthquakes are frequent.

[58] For more information, see www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-6ZVDQH?OpenDocument.

[59] For more information, see United Nations News Centre article dated 4 April 2007 at www.un.org/apps/news/story.asp?NewsID=22129&Cr=solomon&Cr1=tsunami.

[60] Ibid. See statement made by Koïchiro Matsuura, UNESCO Director-General.

114. Resolutions adopted by the IOC Assembly at its twenty-third session in June 2005, had led to the establishment of the Intergovernmental Coordination Group for the Indian Ocean Tsunami Warning and Mitigation System; coordination groups for tsunami and other hazard warning systems in the north-eastern Atlantic, the Mediterranean and connected seas and the Caribbean and adjacent regions; and an ad hoc working group to prepare a framework for a global tsunami and other ocean-related hazards early warning system (see A/60/63/Add.2, paras. 100 and 101). IOC acts as secretariat for the intergovernmental coordination groups. In view of the progress achieved by each of the regional systems in defining, developing and implementing a set of common standards, procedures and documents for the warning systems under their responsibility, the interim services provided by the Japan Meteorological Agency, the Pacific Tsunami Warning Centre and the West Coast and Alaska Tsunami Warning Centre are to be progressively phased out. In its decision XXIV-14 on tsunami and other ocean hazards warning systems, the twenty-fourth session of the IOC Assembly accepted the need for setting common requirements for regional centres and requested the IOC secretariat to work in close collaboration with the intergovernmental coordination groups in the preparation of draft common requirements for regional centres. By its resolution XXIV-15, the Assembly decided to establish a working group on tsunamis and other hazards related to sea level warning and mitigation systems. The Assembly recognized that the development and implementation of multi-hazard strategies and interoperable systems could only be achieved through close consultation, coordination and cooperation among all stakeholders. There is still some progress to be made by the various intergovernmental coordination groups with regard to compliance with the requirements set by the ad hoc working group for the global early warning system in relation to the multi-hazard approach in early warning systems (see IOC-XXXIV/2 Annex 9).

VIII. Conservation and management of marine living resources

A. Marine fishery resources

115. The 2006 Review Conference on the 1995 Fish Stocks Agreement and the recommendations adopted by it (see A/CONF.210/2006/15) have provided an impetus for the international community to re-examine the current governance of high seas fisheries. Such re-examination seems to be justified in light of the 2007 Millennium Development Goal report (www.un.org/millenniumgoals/pdf/mdg2007.pdf). The report deplores the fact that after decades of deterioration, the proportion of overexploited, depleted and recovering fish stocks has now stabilized at around 25 per cent since the 1990s. The report also indicates that the proportion of underexploited fisheries is steadily declining, with only 22 per cent of the world's fisheries being currently sustainable, compared to 40 per cent in 1975 (see also A/62/260, paras. 5, 6 and 101). This situation, it is noted, requires continued international cooperation and management to maintain current stocks and to allow depleted ones to recover.

116. In its resolution 61/105, the General Assembly addressed issues related to the governance of marine fisheries, including the need for the international community to implement the outcome of the Review Conference, which promotes measures to ensure sustainable fisheries. Various forums, such as the FAO Committee on

Fisheries, the biannual meeting of regional fishery bodies, the intergovernmental meeting on the management of high-seas bottom fisheries in the north-west Pacific and the third international meeting on the establishment of the proposed South Pacific Regional Fisheries Management Organization, have addressed topics arising in the recommendations of the Review Conference. Other measures taken by States and regional fisheries management organizations and arrangements to implement the outcome of the Review Conference are provided in the report of the Secretary-General on sustainable fisheries (see A/62/260).

1. Committee on Fisheries of the Food and Agriculture Organization of the United Nations

117. The twenty-seventh session of the FAO Committee on Fisheries was held in Rome from 5 to 9 March 2007.[61] Issues considered by the Committee included those related to the implementation of the outcome of the Review Conference, such as new initiatives to combat illegal, unreported and unregulated fishing, including the convening of an expert consultation in 2007 to prepare a legally binding instrument based on the FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, followed by a technical consultation in 2008 to finalize the draft instrument,[62] and the convening of an expert consultation to further develop the concept of a comprehensive global record of fishing vessels. The Committee requested FAO to consider convening an expert consultation to develop criteria for assessing the performance of flag States and possible actions against vessels flying the flags of States not meeting those criteria. It encouraged States to join or cooperate with the International Monitoring, Control and Surveillance Network for Fisheries-related Activities. In view of the potential impact of subsidies on resource sustainability, the Committee encouraged FAO to continue its studies on the impact of subsidies on fishing capacity, illegal, unreported and unregulated fishing, fisheries management and sustainable development in a manner that would complement, but not duplicate the World Trade Organization's work.

118. In implementation of ecosystem approaches, the Committee invited FAO to convene an expert consultation in 2007 to prepare draft technical guidelines for the management of deep-sea fisheries in the high seas, to be followed by a technical consultation in early 2008, with a view to meeting the deadlines established by General Assembly resolution 61/105 (paras. 80-91) for the implementation of measures to protect vulnerable marine ecosystems. It also requested FAO (a) to consult with IMO in the latter's efforts to assess the effectiveness of Annex V to MARPOL, in addressing marine debris, including derelict fishing gear; (b) to complete its technical guidelines on the design, implementation and testing of marine protected areas in relation to fisheries; (c) to continue its work on biodiversity mapping and create a global database on vulnerable marine ecosystems in areas beyond national jurisdiction in cooperation with other relevant organizations; and (d) to establish a list of authorized vessels engaged in high-seas deep-sea fisheries.

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[61] The report of the twenty-seventh session of the Committee on Fisheries is contained in FAO Fisheries Report No. 830 (FIEL/R830 (En)).

[62] The expert consultation to be held in Washington, D.C., is from 4 to 8 September 2007; the technical consultation will be held in Rome from 23 to 28 June 2008.

119. Concerning the performance reviews of regional fisheries management organizations and arrangements, the Committee suggested that such processes should be transparent and carried out by a panel of internal and external experts.

2. Meeting of the Regional Fishery Bodies Secretariats Network

120. The first meeting of the Regional Fishery Bodies Secretariats Network was held in Rome on 12 and 13 March 2007, to consider issues of common interest to regional fishery bodies, including issues raised in the recommendations of the Review Conference which are directly relevant to their work.[63] These include illegal, unreported and unregulated fishing, overcapacity, deep-sea fisheries, implementation of an ecosystem approach to fisheries management, performance review of regional fisheries management organizations, harmonization of catch documentation schemes and the establishment of a global capture fishery statistics database by FAO.

121. With regard to combating illegal, unreported and unregulated fishing, regional organizations indicated that they gave priority to developing integrated monitoring, control and surveillance packages, a centralized vessel monitoring system, regional observer programmes, operational high-seas boarding and inspection regimes, inspector exchanges and formally constituted compliance committees. They also took note of the increasing success of blacklisting vessels involved in such fishing, and pointed out that its effectiveness was dependent upon effective port State measures.

122. The Network noted that variable success had been achieved in dealing with the issue of overcapacity through the development of alternative livelihoods, in view of the social, political and economic linkages. Other approaches would include the development of technical guidelines for co-management based on group-user rights, strengthening of local community organizations and collaborative arrangements at the subregional or regional level.

123. Concerning the harmonization of catch documentation, the meeting agreed that it was essential for regional fisheries management organizations to have clear objectives in place when setting up catch documentation schemes. Such schemes should be driven by the specific needs of the organization concerned. Efforts should be made to ensure that schemes were complementary and to avoid unnecessary duplication or redundancy. At any rate, the Network urged regional fishery bodies to fully harmonize tariff codes since this would be key to ensuring that both a common species approach and nomenclature could be applied universally.

124. Regarding deep sea fishing and its effect on vulnerable marine ecosystems, the Network agreed that there was a need to collect relevant data to better understand the impact of such fishing practices. As a precautionary approach, it also noted that stringent data and information requirements should be in place before opening any deepwater trawl fishery in the future.

125. Concerning the application of an ecosystem approach for fisheries management, the meeting noted that while there had been some progress in incorporating ecosystem considerations into regional urged fishery bodies' decision-making, the approach remained under development. Gradual expansion of more

[63] The report of the meeting is contained in FAO Fisheries Report No. 837 (FIEL/R/837 (En)).

traditional fisheries management approaches to account for ecosystem considerations offered a useful point of departure on which development of the approach could be based. The underlying principles of the approach provided in the 1995 Fish Stocks Agreement could assist in that regard. The Network agreed that education and information exchange were key elements for an effective ecosystem approach.

126. In relation to the performance enhancement of regional fishery bodies, the Network indicated that some flexibility was crucial in adopting criteria for the performance review process, particularly where many members of a regional organization or arrangement might not be parties to the 1995 Fish Stocks Agreement. On the basis of recent experiences, the value of external input in promoting transparency and legitimacy in any evaluation was duly noted. As to the possibility of convening a meeting of "non-tuna regional organizations", similar to the recent meeting of tuna organizations (see paras. 129 and 130 below), the Network stated that clear objectives should be identified before such a meeting was convened.

3. Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing

127. The second session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters was held at FAO headquarters in Rome from 16 to 18 July 2007.[64] The first session was held in October 2000 (see A/56/58, paras. 246-250). At the second session, FAO and IMO were each represented by seven States. A number of observers were also present.

128. The purpose of the session was to identify areas of meaningful collaboration between FAO and IMO in the light of the developments relating to illegal, unreported and unregulated fishing since the first meeting. The Working Group recognized four priorities in the short term: cooperation in respect of port State control/measures; the global record of fishing vessels, the Torremolinos Protocol of 1993 relating to the International Convention for the Safety of Fishing Vessels, 1977 and the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and marine debris. Other recommended areas of cooperation included vessel monitoring systems, vessel management and State audit schemes; security issues relating to non-SOLAS ships; criminal offences onboard foreign flagged vessels; and continuing the cooperation relating to the safety of fishing vessels and fishers.[65] It was also proposed that the collaboration between IMO and FAO should be extended to include ILO where appropriate, including in relation to port State measures in respect of ILO labour standards.

4. Other forums addressing fisheries issues

129. *Meeting of tuna-related regional fisheries management organizations*. The first joint meeting of five tuna-related regional fisheries management organizations was held in Kobe, Japan from 22 to 26 January 2007 to address issues of common

[64] The forthcoming report of the meeting will be available at www.fao.org. Draft on the file with the Division for Ocean Affairs and the Law of the Sea.

[65] For example, IMO, FAO and ILO are currently developing a new standard, provisionally entitled "Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels".

interest, including overfishing, overcapacity, rebuilding of tuna stocks and illegal, unreported and unregulated fishing activities (report available at www.tuna-org.org) The tuna organizations, while noting that each of them had its own specificities, agreed that cooperation among them could increase their effectiveness and efficiency in managing all tuna stocks.

130. Accordingly, they identified the following as key areas to be urgently addressed through cooperation and coordination among the five tuna organizations: sharing and dissemination of improved data and stock assessments and other relevant information in an accurate and timely manner; application of equitable and transparent criteria for allocation of fishing opportunities, including provisions allowing for new entrants; management of fishing capacity to ensure resource sustainability while allowing legitimate fishery development of developing coastal States; reliance on best scientific evidence available; establishment of integrated monitoring, control and surveillance measures and harmonization of such measures among the five organizations; implementation of stronger measures to combat illegal, unreported and unregulated fishing; application of severe penalties and sanctions to deter illegal, unreported and unregulated fishing; establishment of catch monitoring systems from vessels to markets; reviewing the performance of regional tuna organizations in accordance with the criteria agreed upon at the joint meeting; implementation of the precautionary approach and the ecosystem approach to fisheries management; development of data collection, stock assessment and appropriate management of shark fisheries; development of techniques to reduce incidental catch of juvenile tuna; provision of capacity-building assistance to developing coastal States; and enhancement of cooperation among scientists and with other relevant fisheries organizations. The European Community offered to host the second joint meeting of tuna organizations in 2009.

Meeting on the management of high-seas bottom fisheries in the north-western Pacific

131. The second intergovernmental meeting on the management of high-seas bottom fisheries in the north-western Pacific Ocean was held in Busan, Republic of Korea, from 31 January to 2 February 2007.[66] The major outcome of the meeting was the adoption by the participating States of a document entitled "Establishment of new mechanisms for protection of vulnerable marine ecosystems and sustainable management of high-seas bottom fisheries in the north-western Pacific Ocean", which includes provisions for interim measures and elements of a long-term mechanism for international management of high-seas bottom fisheries in the region and other matters. The participants agreed that the elements of a long-term mechanism should be consistent with established principles of international law, as outlined in the United Nations Convention on the Law of the Sea, the 1995 Fish Stocks Agreement and other relevant instruments as well as the best practices of regional fisheries management organizations. Accordingly, the interim secretariat of the intergovernmental meeting was requested to prepare a draft text of a long-term agreement for consideration by the next meeting.

[66] The States participating in the meeting were Japan, the Republic of Korea, the Russian Federation and the United States. The interim measures can be found on the following link: http://www.fpir.noaa.gov/Library/IFD/NWPBT_InterimMeasure-1-1.pdf.

132. The interim measures, to be implemented on an urgent but voluntary basis in accordance with the participants' respective national legislation, were as follows: (a) limitation of fishing effort in bottom fisheries on the high seas to the existing level; (b) prohibition of expansion of bottom fisheries into new areas; (c) exceptions to limitation and prohibition may be provided if the fishing activity would not have a significant adverse impact on marine species or vulnerable marine ecosystems; (d) such exceptions should be based on objective, transparent and science-based standards and criteria; (e) no exceptions would be authorized pending the development of criteria; (f) upon adoption of the criteria, any determination by any flag State that a fishing activity would not have significant adverse impact on marine species or vulnerable marine ecosystems would be made publicly available; and (g) cessation of bottom fishing activities in areas where evidence of vulnerable marine ecosystems was encountered during fishing operations, and reporting of such encounters to the interim secretariat of the Intergovernmental Meeting. In addition, bottom fishing in areas of known vulnerable marine ecosystems was expected to cease by 31 December 2008, unless conservation and management measures were established to prevent significant adverse effects, in accordance with the relevant provisions of General Assembly resolution 61/105 and such international standards as might be developed in that regard (see also A/62/260, paras. 73-96).

133. The meeting agreed to establish a scientific working group to provide scientific advice and invited States to provide scientific information and observer data to the group. It urged States to exercise full and effective control over vessels flying their flag engaged in bottom fishing activities and operating on the high seas of the north-western Pacific Ocean and to equip them with an operational vessel monitoring system by 31 December 2007.

Establishment of the South Pacific Regional Fisheries Management Organization

134. The third international meeting on the establishment of the proposed South Pacific Regional Fisheries Management Organization was held in Renaca, Chile, from 30 April to 4 May 2007. In addition to discussing a revised draft prepared by the Chairman, the meeting adopted interim measures to achieve sustainable management of fish stocks and the protection of vulnerable marine ecosystems in the future convention area. The interim measures are voluntary and are to be applied to pelagic stocks (with the exception of squid fisheries) and to deep-sea fish stocks in accordance with the laws and regulations of the participating States (see www.southpacificrfmo.org).

Regional ministerial meeting on promoting responsible fishing practices

135. Australia and Indonesia co-hosted the Regional Ministerial Meeting on Promoting Responsible Fishing Practices, including Combating Illegal, Unreported and Unregulated Fishing in the Region, in Bali, Indonesia, from 2 to 4 May 2007. The region concerned is the South-East Asian region, in particular the South China Sea, the Sulu-Sulawesi Seas and the Arafura-Timor Seas. The Meeting was also attended by representatives of Brunei Darussalam, Malaysia, Papua New Guinea, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam as well as FAO.

136. The Meeting adopted a joint statement that emphasized the commitment of the participating States to a common and collaborative approach to promoting responsible fishing practices and combating illegal, unreported and unregulated

fishing in the region. In addition, it agreed upon a comprehensive plan of action, aimed at enhancing the overall level of fisheries management so as to ensure the sustainable use of fisheries resources in the region and optimize the benefit of adopting responsible fishing practices. To that end, the action plan encouraged States to ratify/accede to and implement regional and global fishery instruments; pointed out the important role of regional and multilateral organizations in promoting fisheries conservation measures and providing technical assistance for conservation and management measures in the region; and emphasized the importance of coastal State responsibilities, flag State responsibilities, port State measures, regional market measures, regional capacity-building and strengthened monitoring, control and surveillance, including stricter control of trans-shipment at sea, to address illegal, unreported and unregulated fishing (for further information see A/61/998).

B. International Whaling Commission

137. At its fifty-ninth annual meeting held in Anchorage (Alaska), United States, from 28 to 31 May 2007,, the International Whaling Commission considered its Scientific Committee's report on the status of a number of large whale stocks, highlighting evidence of increases in abundance for several of the stocks of humpback, and blue and right whales in the Southern Hemisphere, although they remained at reduced levels compared to pre-whaling numbers. Special attention was paid to the endangered western North Pacific gray whale, whose feeding grounds coincide with oil and gas operations, and the population of which numbers approximately 120. The Commission agreed to work to mitigate anthropogenic threats to this population and to reduce to zero the anthropogenic mortality of the endangered western North Atlantic right whale population.[67] For other relevant developments regarding cetaceans, see paragraphs 68, 147 to 151, 154, 157 and 191 to 195 of the present report.

138. In relation to aboriginal subsistence whaling, the Commission renewed for a further five years the catch limits for some species.[68] The Commission also adopted a resolution regarding special permit research in the Antarctic (resolution 2007-1). In relation to small cetaceans, the Commission adopted a resolution to prevent the extinction of the vaquita by reducing by-catch to zero and by providing financial resources as well as technical and socio-economic expertise (resolution 2007-5).

139. The Commission adopted a resolution on safety at sea and protection of the environment which, inter alia, urges cooperation in accordance with the United Nations Convention on the Law of the Sea and other relevant instruments in the investigation of incidents at sea, including those which might pose a risk to life or the environment (resolution 2007-2) (see also para. 68 above). Under its item on whale watching, the Commission adopted a resolution which, inter alia, recognizes the valuable benefits that can be derived from the non-lethal uses of cetaceans as a

[67] IWC press releases of the International Whaling Commission, available at www.iwcoffice.org/meetings/meeting2007.htm.

[68] Ibid. The species are the bowhead whales of the Bering-Chukchi-Beaufort Seas Stock, the Eastern North Pacific gray whales, the humpback whales taken by Saint Vincent and the Grenadines, the West Greenland fin whales, West and East Greenland common minke whales, and West Greenland bowhead whales.

resource, both in terms of socio-economic and scientific development (resolution 2007-3).

140. The Commission reaffirmed the important role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in supporting its management decisions and the importance of continued cooperation between the two organizations. It considered that any weakening of existing restrictions on trade under the Convention could have significant adverse effects on the moratorium on commercial whaling and increase threats to whales, and requested contracting Governments not to seek the transfer of cetacean species from appendix I to the Convention while the moratorium remained in place (resolution 2007-4) (see para. 154 below).

141. During discussions related to the future of the Commission, many countries noted positive overlap in some of the suggestions made at three non-Commission meetings held during 2006 and 2007.[69] Merit in pursuing intersessional work was noted.

IX. Marine biological diversity

A. Recent measures to address activities and pressures on marine biological diversity

142. The 2007 Millennium Development Goals report (see para 115 above) highlights the fact that, notwithstanding actions to protect biodiversity, the proportion of species threatened with extinction continues to increase, and individual populations continue to decline. Unprecedented efforts will be required to conserve habitats and to manage ecosystems and species in a sustainable way if the rate of species loss is to be significantly reduced by 2010. With particular reference to oceans and seas, the Millennium Ecosystem Assessment (see www.milleneumassessment.org) in 2005 recognized that the world's oceans and coasts are highly threatened and subject to rapid environmental change. Impacts on marine and coastal ecosystems include chemical pollution and eutrophication, illegal, unreported and unregulated fishing and destructive fishing practices (see sect. VIII.A above), global climate change (see sect. XI below), alterations of physical habitat and invasions of alien species (see sect. X.E below).

143. At its twelfth meeting, held in Paris from 2 to 6 July 2007, the Subsidiary Body on Scientific, Technical and Technological Advice of the Convention on Biological Diversity addressed, among other issues (see para. 166 below), biodiversity and climate change, following decision VIII/30 of the Conference of the Parties to the Convention, which had requested the development of draft guidance on integrating climate change impacts and response activities within the programmes of work of the Convention. In its recommendation on climate change,[70] the Subsidiary Body indicated that in the future, advice on potential climate change

[69] See the Chair's summaries of the Conference for the Normalization of the International Whaling Commission (document IWC/59/7) and the Symposium of the State of the Conservation of Whales in the 21st Century, 26 April 2007, New York, USA (IWC/59/11); and the declaration adopted at Buenos Aires on 1 December 2006 (IWC/59/28).

[70] UNEP/CDB/COP/9/2, annex I, recommendation XVI/5.

impacts and the impact of climate change response activities on biodiversity should be integrated into each programme of work of the Convention (including the marine and coastal programme of work).

144. At its thirteenth session, to be held in Rome from 18 to 22 February 2008, the Subsidiary Body will discuss "Options for mutually supportive actions on climate change between the three Rio Conventions". It will also discuss, under agenda item 4.1 on marine and coastal biodiversity, "Options for preventing and mitigating the impact of some activities to selected seabed habitats, and ecological criteria and biogeographical classification systems for marine areas in need of protection".

145. In its resolution on coral reefs and climate change, the third general meeting of the International Coral Reef Initiative, held in Tokyo from 23 to 24 April 2007,[71] called on members of the Initiative to: support actions to improve coral reef resilience to climate change; to support research to improve the understanding of factors that promote resilience in coral reefs and their application in management; to support the development of sustainable livelihoods that may reduce vulnerability to climate change among coastal populations and strengthen ecosystem resilience; and to enhance public awareness of the impacts of climate change on coral reefs (see also para. 212 below).

146. The meeting also contributed to the preparatory work for the International Year of the Reef in 2008,[72] by agreeing on the terms of reference of the international coordination for the Year.[73]

B. Measures for particular species

Cetaceans

147. The conservation of marine migratory species is the subject of the Convention on Migratory Species of Wild Animals and a number of regional instruments that have been concluded under its auspices, including ASCOBANS and ACCOBAMS.

148. The fifth meeting of the parties to ASCOBANS, held in Egmond aan Zee, the Netherlands, from 18 to 20 September 2006 and on 12 December 2006, adopted a conservation plan for harbour porpoises in the North Sea (resolution 1), and resolutions on, inter alia, incidental take of small cetaceans (resolution 5) and research on habitat quality, health and status of small cetaceans in the Agreement area (resolution 7) (see also para. 210 below). Resolution 9 urges parties in the Baltic Sea region to step up implementation of the Jastarnia Plan, reiterates that the reduction of fishing effort in relevant fisheries remains the highest priority and encourages, inter alia, a detailed study of the use of fixed gill nets in the Baltic Sea and intensified research on pingers. The meeting also adopted a resolution on the adverse effects of sound, vessels and other forms of disturbance on small cetaceans (resolution 4) (see para. 192 below).

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[71] The summary record of the meeting is available at www.icriforum.org/router.cfm?show=secretariat/sec_home.html&Item=1.

[72] The International Year of the Reef is a year-long campaign of events and initiatives hosted by Governments, individuals, corporations and schools around the world to promote awareness and conservation action and strengthen long-term constituencies for coral reef conservation.

[73] See www.icriforum.org/secretariat/japangm/docs/ToR_IYOR_CU.pdf.

149. In April 2007, the fourteenth meeting of the ASCOBANS Advisory Committee reviewed new information on by-catch, population distribution, sizes and structures and pollution, underwater sound and disturbance. It also considered progress in the westward extension of the Agreement's geographic coverage.[74]

150. In November 2006, the fourth meeting of the Scientific Committee of ACCOBAMS adopted a number of recommendations for the conservation of cetaceans in the Mediterranean. These include measures to mitigate the impact of noise pollution (see para. 193 below), actions for the conservation of endangered species in the Black Sea and for the common dolphin in the Mediterranean, the reinforcement of a network to monitor stranding in the ACCOBAMS area, work on specially protected areas for cetaceans and measures to mitigate collisions between ships and cetaceans.[75] The recommendations will be forwarded to the third meeting of the ACCOBAMS contracting parties to be held in Dubrovnik, Croatia, from 22 to 25 October 2007.

151. Many cetacean populations, representing 33 to 41 species, frequent the waters of the Pacific Islands region, with sperm whales being the most widely distributed across the region.[76] The first Meeting of the Signatories to the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, held in Apia, Samoa, on 6 March 2007, considered reports on the conservation status of cetaceans within the agreement area and the status of implementation of the agreement, providing strategic input to a number of ongoing processes, including the development by the South Pacific Regional Environment Programme of a revised whale and dolphin action plan, which is expected to become the action plan for the Memorandum of Understanding.[77]

Sea turtles

152. Sea turtles have swum the seas for almost 60 million years, but decreases in their populations over the last century may indicate that their long history could soon be coming to an end.[78] In order to assess the level of implementation by States and regional fisheries management organizations of FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations,[79] as requested by the twenty-sixth session of the FAO Committee on Fisheries, FAO developed a questionnaire that was sent to relevant regional organizations in order to receive information on progress at the national and regional levels. The results of the questionnaire, as presented to the twenty-seventh session of the Committee (FAO document COFI/2007/Inf.11), indicate that formal commitment to and actual implementation of the FAO Guidelines is not yet a standard in the fisheries commissions for which turtles by-catch may be an issue. However, progress is being made by some regional organizations and individual countries.

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[74] Report available at www.ascobans.org/index0502.html.

[75] The recommendations are available at www.accobams.org/2006.php/meetings/recommendations/4.

[76] Report of the Technical Meeting on Cetaceans in the Pacific Islands Region, 1-4 August 2006, UNEP/CMS/PIC-1/5/Add.1, available at www.cms.int/species/pacific_cet/pacific_cet_meetings.htm.

[77] Report (UNEP/CMS/PIC-1/Report) available at www.cms.int/species/pacific_cet/pacific_cet_meetings.htm.

[78] www.fao.org/newsroom/en/news/2004/39447/index.html.

[79] The Guidelines are contained in appendix E to the report of the FAO Technical Consultation on Sea Turtles Conservation and Fisheries (Bangkok, 29 November-2 December 2004).

153. The Bellagio Sea Turtle Conservation Initiative: Strategic Planning for Long-Term Financing of Pacific Leatherback Conservation and Recovery,[80] a meeting held in Kijal, Terranganu, Malaysia, from 17 to 20 July 2007, identified as the main priority the need to boost hatchling production of the Western Pacific nesting populations by protecting nests from predation, beach erosion and human consumption on the beaches. The meeting recognized the need to secure long-term funding to ensure effective conservation on nesting beaches as well as for studies on the impact of coastal fisheries on leatherbacks and worked to develop a Pacific leatherback sea turtle conservation fund, which will be finalized over the coming months by a steering committee. The meeting also agreed on an action plan, intended to foster and strengthen research and educational programmes and support existing regional conservation schemes.

Trade in endangered species

154. Trade is increasingly threatening the conservation of a number of marine species. The fourteenth meeting of the Conference of the Parties to CITES, held in The Hague from 3 to 15 June 2007, considered a number of items of relevance to marine species. The Conference of the Parties agreed to list sawfish on appendix I and the European eel, a catadromous species, on appendix II. The meeting also adopted resolutions and decisions on future work on hawksbill turtle, sharks, sturgeons and paddlefish, sea cucumbers and corallium spp.[81] With regard to cetaceans, the meeting approved a proposal to the effect that no periodic review be undertaken for any great whale listing while the International Whaling Commission moratorium is in place.[82]

155. Under its item on trade control and marking issues, the Conference of the Parties considered the report and recommendations of the workshop on introduction from the sea issues, as well as the result of the work of an intersessional working group established to refine the definition of the phrase "the marine environment not under the jurisdiction of any State", included in the definition of the term "introduction from the sea" in CITES.[83] The definition adopted by the meeting states that "the marine environment not under the jurisdiction of any State means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea". The Conference of the Parties also adopted a decision which directs the Standing Committee to establish a working group on introduction from the sea to consider, inter alia, a definition for "transportation into a State", clarification of the term "State of introduction" and the process for issuing an introduction from the sea certificate (CoP14 Com. II. 26).

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[80] The meeting was a follow-up to the Bellagio Sea Turtle Conservation Initiative, which produced the 2004 "Bellagio Blueprint for Action on Pacific Sea Turtles". It was organized by the Western Pacific Regional Fishery Management Council and the Southwest Fisheries Science Center of the United States National Oceanic and Atmospheric Administration.

[81] CoP14 Com.I 11, Com. I.16, Com. II.25, Com.I.1, and Com. I. The documents of the meetings are available at www.cites.org/eng/cop/14/com/index.shtml.

[82] CoP14 Com. I Rep. 3 (Rev.1).

[83] Article I of CITES defines "introduction from the sea" as "transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State". See CoP14 Doc. 33 for a summary of discussions of the workshop and the working group.

156. In relation to cooperation with FAO, the Conference of the Parties discussed a proposal to establish a fishery working group of the Standing Committee. Several delegations expressed concern with the creation of such a working group, noting that fisheries management was beyond the mandate of CITES. The proposal was rejected (CoP14 Com. II. Rep.5). The meeting noted with appreciation a report of the Convention on the Conservation of Antarctic Marine Living Resources on toothfish, a non-CITES-listed species (CoP14 Com. II. Rep.11).

157. A ministerial round table, organized on the sides of the meeting by the Government of the Netherlands, discussed four themes, including the role of CITES regarding marine species. The ministers encouraged enhanced cooperation and coordination between CITES and other marine species-related conventions, organizations and processes, in particular the United Nations Convention on the Law of the Sea, FAO, regional fisheries management organizations, and the International Whaling Commission. The ministers also expressed the view that CITES recognizes FAO and regional fisheries management organizations for examining listing of commercially traded fish species and the competence of the International Whaling Commission for the assessment and review of the stock levels of cetaceans.[84]

C. Genetic resources

158. Marine genetic resources was the topic of focus at the eighth meeting of the Consultative Process (see A/62/169). Developments relating to genetic resources in general also took place on the Convention on Biological Diversity and WIPO. For example, the fifth and sixth meetings of the ad hoc open-ended working group on access and benefit-sharing of the Conference of the Parties to the Convention on Biological Diversity, will continue the elaboration and negotiation of the international regime on access and benefit-sharing.[85] In its decision VII/19 D, the Conference of the Parties requested the working group to complete its work at the earliest possible time before the tenth meeting of the Conference of the Parties in 2010. The working group will focus on the nature, scope and potential objectives of an international regime. The results of its deliberations will be submitted for consideration by the Conference of the Parties at its ninth meeting, to be held in Bonn, Germany, in May 2008.

159. The eleventh session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of WIPO, held in Geneva from 3 to 12 July 2007, reviewed a range of options for its work in this area under its agenda item on genetic resources (see document WIPO/GRTKF/IC/11/8 (a)). The ensuing discussions focused on patent disclosure requirements, proposals for dealing with the relationship between intellectual property and genetic resources, the interface between the patent system and genetic resources, the intellectual property aspects of access and benefit-sharing contracts and a proposal for a database to ensure that information on genetic resources is better taken into account in patent examination. The Committee decided to combine its work in this area in order to further discuss options and relevant developments in

[84] See CoP14 Inf. 62, available at www.cites.org/eng/cop/14/inf/E14i-62.pdf.

[85] The meetings will be held from 8 to 12 October 2007 in Montreal, Canada, and from 21 to 25 January 2008 in Geneva, respectively. The agendas of the two meetings are contained in documents UNEP/CBD/WG-ABS/5/1 and UNEP/CBD/WG-ABS/6/1.

other forums. It also recommended that the WIPO General Assembly, which will meet later in 2007, should renew its mandate, including in relation to genetic resources. The Committee's current mandate expires in December 2007.

X. Protection and preservation of the marine environment

A. Study on the assistance available to and measures that may be taken by developing States to realize the benefits of sustainable and effective development of marine resources and uses of the oceans

160. In paragraph 88 of its resolution 61/222, the General Assembly requested the Secretary-General to prepare a study, in cooperation with and based on information provided by States and competent international organizations and global and regional funding agencies, on the assistance available to and measures that might be taken by developing States, in particular the least developed States and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans within the limits of national jurisdiction. The Assembly requested the Secretary-General to present the study to it at its sixty-third session and to report to it at its sixty-second session on the progress made in the preparation of the study.

161. By a note dated 15 January 2007, the Division for Ocean Affairs and the Law of the Sea requested permanent missions of Member States to transmit, by the end of May 2007, relevant information requested in paragraph 88 of the resolution. The Division subsequently sent a similar request to the competent international organizations and global and regional funding agencies.

162. In response to its note, the Division received information from Benin (12 July 2007), Germany (8 June 2007), Japan (5 June 2007), Mexico (14 May 2007), Norway (18 July 2007) and Sri Lanka (2 May 2007). The replies received have identified challenges faced and measures taken in realizing the benefits of the sustainable and effective development of marine resources and uses of the oceans within the limits of national jurisdiction. Some States have suggested measures to address those challenges and have made concrete offers of assistance to potential "partner" developing countries on the basis of their respective experiences in marine development in many regions of the world.

163. Due to the limited number of responses received at the time of the preparation of the present report, the Secretariat is not in a position to make conclusive statements on the prospective content of the study. It wishes to underline, however, that any comprehensive study on assistance available to and measures to be taken by developing States is very much dependent on the provision of information by a greater number of States, and also by international organizations and funding agencies.

B. Ecosystem approaches

164. The topic of focus of the seventh meeting of the Consultative Process, held in June 2006, was "Ecosystem approaches and oceans" (see A/61/156). The

Consultative Process recognized that there was no single way to implement an ecosystem approach. Flexibility was required depending on regional, subregional, national or local circumstances. It was thus important that each State formulate its own approach and gradually move towards implementation. Therefore, the elements that were agreed by consensus by the Consultative Process do not define an ecosystem approach but rather identify several common elements of ecosystem approaches. They also identify the actions needed to implement an ecosystem approach and those required to improve its application.

165. The General Assembly, in paragraph 119 of its resolution 61/222, invited States to consider the agreed consensual elements relating to ecosystem approaches and oceans, as suggested by the Consultative Process in its report (A/61/156, part A), in particular the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach.

166. In the context of the Convention on Biological Diversity, the twelfth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, in addressing the application of the ecosystem approach to all ecosystems, including marine ecosystems, stated that the ecosystem approach remained a useful normative framework for bringing together social, economic, cultural and environmental values and that it needed to be translated into methods for its further application, to be tailored to the needs of specific users. Noting that capacity-building remained a priority across all sectors, biomes, levels and scales, the meeting highlighted the need to strengthen partnerships and coordination between the relevant United Nations bodies and processes and other relevant institutions so as to offer more effective support to States in the application of the ecosystem approach.[86]

167. The Conference on the Implementation of the Ecosystem Approach to Fisheries, held in Bergen, Norway, from 26 to 28 September 2006, noted that the ecosystem approach to fisheries should address both the effects of fisheries on ecosystems and the integration of fisheries with other sectors into a holistic management framework. Its application needed to be tailored to the specific ecological, social and cultural conditions in each geographical area, and more focused ecosystem research was needed in order to make it more effective. An ecosystem approach to fisheries could be implemented incrementally from existing measures in fisheries management; ecological risk assessment and marine protected areas were potentially useful tools. Stakeholder engagement was considered important, as was the inclusion of socio-economic and institutional considerations in the planning of an ecosystem approach to fisheries.[87] For further recent information on ecosystem approaches to fisheries, see paragraphs 118, 123 and 130 above.

168. In some areas, large marine ecosystem projects have promoted a multisectoral and integrated approach to the management of the marine environment. A total of 64 such projects have been established to date. A report by UNEP found that large marine ecosystems are important sources of goods and services, contributing an

[86] UNEP/CBD/COP/9/2, annex I, recommendation XII/1.

[87] Report of the Conference on Implementing the Ecosystem Approach to Fisheries, available at http://cieaf.imr.no/.

estimated $12 trillion annually to the global economy and producing 95 per cent of the world's marine biomass yields.[88]

169. The GEF Council, meeting from 12 to 15 June 2007, approved a number of programmes and project proposals relating to large marine ecosystems, including the World Bank/GEF partnership investment fund for pollution reduction in the large marine ecosystems of East Asia, the World Bank/GEF investment fund for the Mediterranean Sea large marine ecosystem partnership, and the strategic partnership for the Mediterranean large marine ecosystem regional component.

170. The first meeting of the Ministerial Conference of the Benguela Current Commission was held in Windhoek on 20 July 2007. The Conference, inter alia, reviewed the role and functions of the Commission and adopted a strategic programme of action and a science plan that will implement an ecosystem approach to the management of the Benguela region (see http://www.bclme.org).

171. The second International Large Marine Ecosystem Conference will meet from 11 to 13 September 2007 in Qingdao, China, to examine advances made in ecosystem assessments from large marine ecosystem activities since 1990 around the globe and to introduce large marine ecosystem assessment and management methodologies to a growing number of countries, institutions and experts interested in ecosystem-based approaches to the assessment and management of marine resources and environments.

C. Global Programme of Action for the Protection of the Marine Environment from Land-based Activities

172. The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities has an important role in addressing the interaction between land and oceans, and in integrating freshwater with coastal and marine management approaches, thereby protecting human health and livelihoods and fostering the application of ecosystem approaches.[89]

173. According to UNEP, approximately 70 countries have already developed or are in the process of developing a national plan for the implementation of the Global Programme of Action. An updated guide was published by the Global Programme of Action Coordination Office to assist in the implementation of those plans.[90] In addition, following the second session of the Intergovernmental Review Meeting on the Implementation of the Global Programme of Action (see A/62/66, paras. 268-272), the Coordination Office prepared a revised version of its guidance document on the implementation of the Global Programme of Action for 2007-2011.[91] The guidance document identifies recommended actions, practices and procedures in relation to ecosystem approaches; the economic valuation of goods and services; circular economy, life cycle and "3R" (reduce, reuse and recycle) approaches; and

[88] "Accounting for economic activities in large marine ecosystems and regional seas", UNEP Regional Seas Reports and Studies No. 181.

[89] "Progress in implementing the GPA at the international, regional and national levels in the period 2002-2006", UNEP, 2006, The Hague.

[90] "Protecting coastal and marine environments from land-based activities: A guide for national action", UNEP, 2006, The Hague.

[91] www.gpa.unep.org/documents/revised_guidance_document_post_english.pdf.

partnerships. The guidance document proposes actions to be taken at the national, regional and international levels and by pollution-source category, in particular persistent organic pollutants, heavy metals, nutrients, litter and physical alteration and destruction of habitats.

174. To facilitate implementation of the Global Programme of Action in small island developing States, the Coordination Office has undertaken a series of initiatives to improve skills and impart knowledge needed for project identification, planning and financing at the municipal level in relation to water, sanitation and wastewater management.

D. Pollution from ships

175. In addition to accidental pollution, the marine environment continues to suffer from a number of other types of pollution from ships, including operational pollution, illegal discharges and harmful organisms in ballast water (see sect. E below). The United Nations Convention on the Law of the Sea and other instruments, such as MARPOL and the International Convention on the Control of Harmful Anti-fouling Systems on Ships (which may soon meet the conditions for its entry into force),[92] address specific sources of pollution from ships as well as liability and compensation for damages caused by such pollution. In addition, IMO will be developing international measures to minimize the translocation of invasive aquatic species through biofouling of ships.[93]

1. Annexes I to V to the International Convention for the Prevention of Pollution from Ships

176. MARPOL addresses accidental and operational oil pollution, pollution by chemicals, goods in packaged form, sewage and garbage and air pollution in six annexes. Recent developments with respect to the MARPOL annexes are described below (see also paras. 118 and 215 of the present report).

177. *Annex I (oil).* An amendment to revised annex I was adopted by MEPC at its fifty-sixth session to include in regulation 38.2.5 (Reception facilities outside Special Areas) the obligation to provide facilities in respect of oily mixtures from cargo areas of oil tankers. The amendment is expected to enter into force on 1 December 2008 pursuant to the tacit amendment procedure.[94]

178. *Annex IV (sewage).* MEPC amended annex V to amend the text of regulation 11.1.1 on the requirements for discharge of sewage into the sea.[95] As of 1 December 2008 (the date of entry into force pursuant to the tacit amendment procedure), sewage originating from spaces containing living animals should not be discharged

[92] Twenty-four States (representing 16.63 per cent of the world's merchant fleet) have ratified the Convention. It will enter into force 12 months after 25 States (representing 25 per cent of the world's merchant fleet) have ratified it. Panama, which owns approximately 21.46 per cent of the world's merchant fleet, informed the IMO Council in June 2007 that its Government was expected to accede to the Convention very soon. Report of the fifty-sixth session of MEPC (9-13 July 2007), IMO document MEPC 56/23, paras. 13.1-13.2.

[93] Ibid., paras. 19.7-19.14.

[94] Resolution MEPC.164(56) in IMO document MEPC 56/23, annex 11.

[95] Ibid.

into the sea instantaneously but at a moderate rate, as is currently the requirement for the discharge of untreated sewage from holding tanks.

179. *Annex V (garbage).* In considering the report of the correspondence group for the review of MARPOL annex V, MEPC approved the framework, method of work and timetable for the review of annex V and the associated revised guidelines (IMO document MEPC 56/6/1). The framework comprises five general phases: examination of annex V and its guidelines; consideration of the issues submitted; assessment of trends in sea-based sources of marine debris; consideration of relevant work of other bodies; and development of necessary amendments to annex V and its guidelines for consideration by MEPC at its fifty-eighth meeting. Regarding any possible proposals to amend annex V in the interim period, MEPC endorsed a holistic approach to ensure a complete revision of annex V and the guidelines at the same time, without prejudice to a party's right to bring proposed amendments to the attention of the Committee at any time.[96]

2. Air pollution from ships (annex VI)

180. MEPC continued its work on the revision of annex VI to MARPOL[97] and the NOx (nitrogen oxide) Technical Code with a view to significantly reducing air pollution from ships in the shortest possible time. The Committee aims to adopt the revised annex VI at its fifty-eighth session in October 2008.[98] During its fifty-sixth session, in July 2007, the Committee noted the progress that had been made concerning volatile organic carbons emissions, the development of nitrogen oxide (NOx) regulations for new engines, economic instruments to reduce emissions, sulphur and particulate matter emissions, and non-cargo ozone-depleting substances.[99]

181. In addition, MEPC agreed to commission an informal scientific group of experts to undertake a comprehensive study to evaluate the impact on the environment, on human health and on the shipping and petroleum industries of applying the proposed fuel options to reduce sulphur oxide (SOx) and particulate matter generated by shipping proposed under the revision of MARPOL annex VI, and the consequential impact such fuel options could have on NOx and other emissions. The group would also assess the consequential impact on carbon dioxide emissions from ships and refineries, taking into account the availability of carbon dioxide abatement technologies. It was anticipated that the group would submit its report to the next meetings of the Bulk Liquids and Gases Subcommittee and MEPC early in 2008.

182. From the monitoring of the worldwide average of sulphur content in residual fuel oils that was performed in accordance with annex VI, it was reported that the average sulphur content in 2006 had been calculated at 2.59 per cent, compared to 2.70 per cent in 2005. However the Committee noted that the lower figure might not reflect an actual decrease in the global average of sulphur content, but other factors

[96] IMO document MEPC 56/23, paras. 6.15 and 6.16, and MEPC 56/6/1, annex 1.

[97] Chile and Belize deposited their instrument of accessions to MARPOL annex VI on 16 October 2006 and 14 June 2007, respectively, and Australia reported that it would soon deposit its instrument of accession. See the report of MEPC on its fifty-sixth session, IMO document MEPC 56/23, paras. 12.2 and 12.3.

[98] Ibid., para. 4.18.

[99] Ibid., para. 4.5.

such as the reduced sulphur content of fuel oil permitted in the Baltic SOx Emission Control Area. It was further noted that the three-year (2004-2006) rolling average was 2.66 per cent, representing a slight reduction compared to the previous year's average of 2.70 per cent.[100]

183. MEPC also continued work on establishing strategies to reduce greenhouse gas emissions from international shipping, including technical, operational and market-based methods for dealing with such emissions. In order to have the necessary factual information to make decisions that would affect the industry for decades, MEPC agreed on the need to update its comprehensive assessment of the contribution of international shipping to increased levels of atmospheric carbon dioxide and to climate change. As the projected adverse effects of climate change called for the implementation of measures to limit or reduce the emissions from international shipping, which constituted one of the sources of greenhouse gas emissions, MEPC agreed that it should continue to take the lead in developing greenhouse gas strategies and mechanisms for international shipping and continue to cooperate closely with other relevant United Nations bodies.[101]

E. Control of harmful organisms and pathogens in ballast water

184. Invasive aquatic species are one of the four greatest threats to the world's oceans and can have very severe environmental, economic and public health impacts. Harmful organisms transported in ballast water by ships have already caused biological and economic havoc around the world, largely owing to expanded maritime trade and traffic volume over the last few decades. The effects in many areas of the world have been devastating.[102]

185. Ten States, representing 3.42 per cent of the world merchant fleet's gross shipping tonnage, have ratified the 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments.[103] The Convention will enter into force 12 months after ratification by 30 States representing 35 per cent of the world tonnage. In light of the gravity of the issue of invasive species in ships' ballast water, MEPC at its fifty-sixth session urged States that had not yet done so to ratify the Convention at the earliest opportunity (see IMO document MEPC 56/23, sect. 2).

186. To assist in the uniform implementation of the Convention, MEPC adopted Guidelines for additional measures regarding ballast water management, including emergency situations (G13); Guidelines for risk assessment under regulation A-4 of the Convention (G7); and Guidelines for ballast water exchange in the Antarctic Treaty.[104] This raises the number of guidelines adopted in connection with the Convention to 14.

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[100] Ibid., paras. 4.7-4.17, 4.21 and 4.22.

[101] Ibid., paras. 4.37, 4.45-4.46 and 4.67. The IMO study on greenhouse gas emissions from ships was published in 2000 (MEPC 45/8).

[102] IMO-BBC film "Invaders from the Sea", which won the gold award in the category of "Best United Nations Feature" at this year's annual United Nations Documentary Film Festival, New York, 21 and 22 April 2007, at www.imo.org/Newsroom/mainframe.asp?topic_id=1472&doc_id=7970.

[103] Barbados, Egypt, Kiribati, Maldives, Nigeria, Norway, Saint Kitts and Nevis, Spain, Syrian Arab Republic and Tuvalu.

[104] See resolutions MEPC.161(56), 162(56) and 163(56), in IMO document MEPC 56/23, annexes 1, 2 and 4, respectively.

187. Following the third meeting of the GESAMP Ballast Waters Working Group,[105] MEPC gave basic approval and final approval to the PureBallast system and basic approval to the NK Ballast Water Treatment System.[106]

188. In relation to the need to minimize the negative consequences caused by the possible delay in the development of type-approved ballast water management systems (see A/62/66, para. 284), MEPC decided that a resolution calling on States not to enforce the D-2 standard for a limited period of time could address the concerns about the delay. To that end, the Committee instructed the Ballast Water Review Group to further consider the possibility of adopting an MEPC resolution, with a view to revisiting the matter after the consideration of the report of the Review Group on the availability of ballast water treatment technologies.

189. IMO is executing the Global Ballast Water Management Project (GloBallast), in partnership with GEF and UNDP, to assist developing countries in reducing the transfer of harmful aquatic organisms and pathogens in ships' ballast water and to build capacity for legal, policy and institutional reforms in line with the Ballast Water Management Convention. The preparatory activities for the second phase of this project, the GloBallast Partnerships, were completed early in 2007. The overall objective of GloBallast Partnerships is to promote the development of regional partnerships that will implement coordinated long-term measures to minimize the adverse impacts of aquatic invasive species transferred through ships' ballast water on coastal and marine ecosystems, economy and human health and well-being. At its June 2007 meeting, the GEF Council approved the project proposal for the GloBallast Partnerships.

F. Ocean noise

190. A number of international forums continue to address ocean noise and the potential threat it poses to the marine environment, calling for research, monitoring and efforts to minimize the risk of adverse effects on marine living resources.

191. The Scientific Committee of the International Whaling Commission, meeting in Anchorage (Alaska), United States, from 7 to 18 May 2007, reiterated its concerns about the potential impacts of seismic exploration activities on cetaceans and made a number of recommendations in connection with seismic surveys, including the conduct of research, the use of seismic technologies, the timing of surveys and mitigation measures. The Committee reiterated its 2004 recommendations concerning naval training exercises[107] and asked the Commission to call for the recommendations to be followed in planning for such exercises.[108]

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[105] The meeting, held in London from 19 to 24 February 2007, reviewed four proposals concerning ballast water management systems. The fourth meeting of the Working Group will be held from 29 October to 2 November 2007.

[106] The Procedure for approval of ballast water management systems that make use of Active Substances (G9) contains the information that should be included in a proposal for approval and provisions for risk characterization and analysis. According to section 6 of the Procedure, IMO should evaluate the information provided in the application.

[107] See 2004 report of the Scientific Committee (IWC/56/Rep 1).

[108] The 2007 report of the Scientific Committee (IWC/59/Rep 1) is available at www.iwcoffice.org.

192. At the regional level, at their fifth meeting, the parties to ASCOBANS adopted resolution 4 on the adverse effects of sound, vessels and other forms of disturbance on small cetaceans, which, inter alia, requested parties and non-party range States to introduce guidelines on measures and procedures for seismic surveys.[109] In addition, the resolution reiterated the invitation to parties and non-party range States to develop, with military and other relevant authorities, effective mitigation measures, including environmental impact assessments, to reduce disturbance of and potential physical damage to small cetaceans, and to conduct further research into the effects on small cetaceans of vessels, particularly high-speed ferries; acoustic devices used by the fishing and fish-farming industries, including deterrent (scarers) and warning (pingers) devices and fish-finding sonar; and extractive and other industrial activities, including wind farms. Further, the resolution invited the development of measures and guidelines to minimize any adverse effects on small cetaceans from these activities, to develop and implement procedures to assess the effectiveness of such measures and to report on high-energy seismic surveys.

193. The Scientific Committee of ACCOBAMS, at its fourth meeting, adopted recommendation SC4.3 regarding anthropogenic noise.[110] The Committee recommended, inter alia, that parties and non-parties consider and act upon recommendations and guidelines developed and endorsed by the Committee[111] in order to regulate and mitigate underwater anthropogenic noise in the ACCOBAMS area. An important component of the recommendations and guidelines is the development of a permit system. The principles enumerated in the recommendations and guidelines include the following: that noise should be considered a potentially significant threat to marine mammals and other marine wildlife; that priority should be assigned to high-quality research regarding exposure to noise; that the effects of underwater noise should be considered in environmental impact assessments and the design of noise mitigation procedures; that underwater noise levels should be considered a quality parameter in the context of habitat assessments, the zoning of marine protected areas and other issues related to marine life; and that underwater noise should be regulated and reduced. The Scientific Committee encouraged the development of quieter and environmentally safer acoustic technologies and the use of best available control technologies and other mitigation measures to reduce the impact of man-made noise sources in the Agreement area.

194. The Biodiversity Committee of the Commission for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Commission) agreed at its meeting held in Brussels from 26 to 30 March 2007, that an intersessional correspondence group should finalize the preliminary comprehensive overview of the impact of underwater noise on the marine environment, and present it for discussion at the meeting of the Working Group on the Environmental Impact of Human Activities to be held in October 2007. Further, the Committee agreed that the intersessional correspondence group should develop proposals for preparing by 2008-2009 a draft assessment of the impact of underwater noise on the marine

[109] Report of the proceedings of the fifth meeting of the parties to ASCOBANS, available at www.ascobans.org.

[110] Report of the fourth meeting of the Scientific Committee, available at www.accobams.org.

[111] ACCOBAMS document SC4/Doc 18.

environment for the purpose of the Joint Assessment Monitoring Programme and the preparation of the next quality status report for the north-east Atlantic.[112]

195. Pursuant to paragraph 107 of General Assembly resolution 61/222,[113] the Division for Ocean Affairs and the Law of the Sea, in a note verbale dated 14 March 2007 addressed to all Member States, informed Governments of the procedure for the submission of peer-reviewed scientific studies to the Division. In response, by a letter dated 29 June 2007, the Government of Belgium transmitted to the Division a list of peer-reviewed scientific studies on the impact of ocean noise on marine living resources.[114]

G. Waste management

1. Disposal of wastes at sea

196. Carbon dioxide sequestration is one measure that has been developed to address elevated levels of carbon dioxide in the atmosphere caused by emissions from the combustion of fossil fuels and contributing to climate change and ocean acidification. Carbon dioxide sequestration is the capture and permanent storage in geological formations of carbon dioxide that would otherwise be emitted to the atmosphere. Carbon dioxide is separated from flue gases, pressurized and transported by pipeline or vessel to the selected geological storage site using established technology. The proper selection and assessment of the storage site is important to ensure that the carbon dioxide remains in the geological formation over the long term. It has been suggested that some of the existing infrastructure of depleted offshore oil and gas fields, where available, may be used for carbon dioxide sequestration. There is a risk of leakage of carbon dioxide during transportation or storage, which can happen either abruptly or gradually, potentially causing acidification of the oceans. The best scientific information currently available suggests that such changes in the ocean chemistry could have a profound effect on corals, shellfish, specific groups of phytoplankton and other calcareous organisms, thereby affecting biodiversity and disrupting the marine food web and ocean biogeochemistry.[115]

197. The new rules agreed upon by the parties to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol) provide in annex 1 that carbon dioxide streams may only be considered for dumping if (a) they are disposed into a sub-seabed geological formation; (b) they consist overwhelmingly of carbon dioxide; and (c) no other waste has been added. Carbon dioxide sequestration cannot be undertaken without a permit.

198. By its decision 2007/1, the OSPAR Commission decided that, with effect from 15 January 2008, the placement of carbon dioxide streams in the water column or on

[112] The outcome of the meeting is summarized in document OSPAR 07/6/1.

[113] The paragraph reads: "Encourages further studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to compile the peer-reviewed scientific studies it receives from Member States and to make them available on its website."

[114] See www.un.org/depts/los/general_assembly/noise/noise.htm.

[115] See www.imo.org/Environment.

the seabed is prohibited, unless it results from normal operations as described in the Convention or is for a purpose other than the mere disposal thereof.[116]

199. The IMO Intersessional Technical Working Group on CO_2 Sequestration reviewed the complete text of the draft specific guidelines for the assessment of carbon dioxide streams for disposal into sub-seabed geological formations at its second meeting, held in Oslo from 17 to 20 April 2007. At the conclusion of the meeting, some wording referring to the benefits and risks of the process of carbon dioxide sequestration (regulations 1.1 and 1.2, respectively, of the guidelines) remained outstanding (see IMO document LC/SG 30/2). The report of the meeting (LC/SG-CO2 2/4) and a schematic for the disposal of carbon dioxide (LC/SG 30/2/1) were submitted for consideration to the Scientific Group of the London Convention and the Scientific Group of the London Protocol.

200. The 30th meeting of the Scientific Group of the London Convention and the 1st meeting of the Scientific Group of the London Protocol were held concurrently, in La Coruña, Spain, from 18 to 22 June 2007 (see A/62/66, para. 292). The Scientific Groups agreed to forward the draft specific guidelines, as amended (without the schematic), for consideration by the second Meeting of Contracting Parties to the London Protocol with a view to their adoption (see LC/SG 30/14). The Scientific Groups also agreed to recommend the development of a specific reporting format, listing the items that Contracting Parties would have to include when reporting on their carbon dioxide sequestration activities in sub-seabed geological formations.

201. However, a statement of concern (LC/SG 30/14, paras. 2.23-2.25) was released by the Scientific Groups regarding the large-scale nutrient fertilization of oceans using iron to sequester carbon dioxide. It was noted that although iron fertilization of oceans might assist in removing carbon dioxide from the atmosphere by stimulating phytoplankton growth, the environmental and health effects of such an activity needed to be evaluated further. According to the Scientific Groups, knowledge about the effectiveness and potential environmental impact of iron fertilization was insufficient to justify large-scale operations. The Groups requested the governing bodies to consider at their meeting the issue of large-scale ocean iron fertilization operations with a view to ensuring adequate regulation of such operations.

202. The Scientific Groups continued the consideration of the 1997 generic guidelines for the assessment of wastes or other matter that may be considered for dumping and of the waste-specific guidelines. The Groups aim to complete the review of those guidelines in 2008.

203. The Scientific Groups further considered draft guidelines for the placement of artificial reefs. (IMO document LC/SG 30/4). There is an outstanding issue as to whether "Placement of matter for a purpose other than the mere disposal thereof" (article III(1)(b)(ii)) is an exemption to the definition of "dumping" under the London Convention. In addition, the definition of "artificial reef" remains to be settled (LC/SG 30/4/1) and there is no comprehensive guidance on placement activities, which the proposed guidelines aim to address. The Scientific Groups agreed that work needed to continue on the development of the guidelines. It has been noted by IMO that the new International Convention on the Removal of

[116] Annex 5 to the summary record of the 2007 meeting (OSPAR 07/24/1-E).

Wrecks may be relevant to some cases of abandoned ships (see paras. 74-76 above).[117]

204. At the second Meeting of Contracting Parties to the London Protocol and the twenty-ninth Consultative Meeting of Contracting Parties to the London Convention, to be held in November 2007, the parties will consider the adoption of the specific guidelines referred to in paragraphs 199 and 200 above. Furthermore, following the preparation of an overview of developments regarding liability issues under relevant multilateral environmental agreements for the purpose of the London Protocol, the parties will explore at their next meeting, liability questions relating to carbon dioxide sequestration pursuant to article 15 of the London Protocol on responsibility and liability.

2. Transboundary movement of wastes

205. The expanded bureau of the eighth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which held its first meeting in Geneva from 17 to 18 April 2007, was informed of the technical mission that had been dispatched to Côte d'Ivoire following the incident of the dumping of hazardous waste from the *Probo Koala* (see A/62/66, para. 293). The main objectives of the mission were to evaluate the impact of the dumping on health and the environment. In close collaboration with UNEP, the secretariat of the Basel Convention has been consulting with all stakeholders, including countries in the region and donor countries, with a view to developing programmatic activities aimed at strengthening the capacity of Côte d'Ivoire and the region to enforce the provisions of the Basel Convention.

206. The wastes involved in the *Probo Koala* incident highlighted ambiguities regarding the scope of the Basel Convention and MARPOL 73/78, in particular with respect to whether either or both of the Conventions applied. Pursuant to decision VIII/9 of the eighth meeting of the Conference of the Parties (UNEP/CHW.8/16, annex I), the secretariat of the Basel Convention invited the parties to the Convention and the secretariat of IMO to provide information and views on (a) the respective competencies of the Basel Convention and MARPOL in respect of hazardous and other wastes; (b) any gaps between those instruments; and (c) any options for addressing those gaps. At the time of the preparation of the present report only IMO had responded.[118] The Open-ended Working Group of the Basel Convention will consider the response of IMO and the report of the secretariat of the Basel Convention[119] at its sixth meeting, to be held in Geneva from 3 to 7 September 2007.

H. Ship breaking, dismantling, recycling and scrapping

207. At its fifty-sixth session, in July 2007, MEPC considered the draft international convention for the safe and environmentally sound recycling of ships (see MEPC 56/23, sect. 3). Discussions focused, inter alia, on the types of ships that

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[117] Response transmitted by IMO to the secretariat of the Basel Convention pursuant to decision VIII/13 of the Conference of the Parties to the Basel Convention; (see UNEP/CHW/OEWG/6/INF/12).

[118] See UNEP/CHW/OEWG/6/INF/14.

[119] See UNEP/CHW/OEWG/6/17.

would be covered by the convention; the recycling of ships in recycling facilities of States not party to the convention; whether a voluntary self-auditing mechanism should be provided for; and whether a compliance mechanism should be developed. The Committee mandated the Intersessional Working Group on Ship Recycling to further develop the text of the draft convention and to submit a report to MEPC of its fifty-seventh session, in March-April 2008. Furthermore, the Committee recommended that a third meeting of the Joint ILO/IMO/Basel Convention Working Group to be held, possibly to be hosted by ILO, in 2008. MEPC had noted the concerns expressed, in particular by ILO, about the need to avoid conflicts in overlapping spheres of influence and to ensure that the future IMO convention would not prejudice the obligations of States under existing legal instruments.[120]

208. As regards progress in the development of the guidelines required under the draft convention, the Committee noted that draft guidelines for safe and environmentally sound ship recycling were under development. Other guidelines which will need to be developed relate to the inventory of hazardous material; survey and certification; inspection of ships; authorization of ship recycling facilities; and the development of the ship recycling plan. The Committee acknowledged that priority should be given to the development of the convention and, if time permitted, some priority/key guidelines could be developed in parallel with the draft convention.

I. Area-based management tools

209. A wide range of area-based management tools can be adopted to achieve a variety of management objectives, including the protection and preservation of marine ecosystems and biodiversity from various sources of pollution and other negative impacts of human activities, the restoration of habitats and recovery of species and the conservation, sustainable use and management of marine resources (see paras. 118 and 167 above). Area-based management tools can encompass very different degrees of protection ranging from areas where multiple uses are allowed but regulated, to areas of strict protection where uses are prohibited. Area-based management tools are useful for implementing an ecosystem approach (see para. 168) as well as a precautionary approach. They are provided for under a number of international instruments. This section will focus on recent developments relating to marine protected areas, as well as measures adopted by IMO in respect of MARPOL "Special Areas", and particularly sensitive sea areas.

1. Marine protected areas

210. Work on marine protected areas is ongoing in the context of a number of forums, and in particular at the regional level. For example, a workshop on selection criteria for marine protected areas for cetaceans was held in San Sebastian, Spain on 22 April 2007 pursuant to resolution No. 7 of the 5th meeting of the parties to ASCOBANS to establish criteria and guidelines for the identification of sites of importance for small cetaceans. With regard to the most appropriate methods for identifying suitable areas for the establishment of marine protected areas, the need to apply multiple techniques combined with multivariate habitat modelling to identify hot spots in a wider area was highlighted. The experts also pointed out that

[120] MEPC 56/23, paras. 3.8 and 3.30. See also A/62/66, paras. 297 and 298.

an adaptive management approach based on regular monitoring should be followed, and recommended that decisions be based on the best available knowledge of the species' ecology, while concentrating on aspects most likely to be impacted by anthropogenic threats.[121]

211. As called for in the context of the Marine Mammal Action Plan for the Wider Caribbean Region,[122] a "sister sanctuary" arrangement was concluded between the Stellwagen Bank National Marine Sanctuary off the coast of Massachusetts, United States, and the Marine Mammal Sanctuary of the Dominican Republic. This is the first sister sanctuary aimed at protecting an endangered migratory marine mammal species, a population of humpback whales, on both ends of its range, thousands of kilometres apart.[123]

212. In order to respond to the World Summit on Sustainable Development target on the development of representative networks of marine protected areas by 2012, a recommendation was adopted by the third general meeting of the International Coral Reef Initiative,[124] encouraging members to take urgent actions to establish and effectively manage representative regional and national networks of marine protected areas that include coral reefs and related ecosystems (see also para. 145 above).

213. The Marine Protected Areas Summit organized by the World Commission on Protected Areas of the World Conservation Union, held in Washington, D.C. from 10 to 12 April 2007 resulted in commitments to complete a Marine Plan of Action setting urgent priorities for the seas;[125] to collate and share global information on marine protected areas; and to better communicate the importance and value of the world's oceans and the importance of marine protected areas for their conservation.

214. Upcoming meetings of interest in this area include the Convention on Biological Diversity expert workshop on ecological criteria and biogeographic classification systems for marine areas in need of protection (2-4 October 2007, Azores, Portugal) and the European Symposium on Marine Protected Areas as a Tool for Fisheries Management and Ecosystem Conservation (25-28 September 2007, Murcia, Spain).

2. Special Areas and particularly sensitive sea areas

215. At its fifty-sixth session, MEPC adopted resolutions setting 1 August 2008 as the date for the discharge requirements in the "Gulfs area",[126] a Special Area under MARPOL annexes I and V since 1973, and the discharge requirements for the Southern South African waters, designated as a Special Area under MARPOL annex I in October 2006, to take effect.[127] The Committee also noted that the discharge requirements for several Special Areas had not yet taken effect because of

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[121] See www.ascobans.org/index0401.html.

[122] See www.cep.unep.org/pubs/meetingreports/MMAP/mmap.php.

[123] See www.cep.unep.org/newsandevents/news/2007/sister-sanctuaries-to-protect-endangered-humpback-whales/.

[124] Available at www.icriforum.org/secretariat/japangm/docs/Reco_MPA_Tokyo_0407.pdf.

[125] See www.iucn.org/themes/wcpa/biome/marine/mpoaen.html.

[126] For the purposes of MARPOL, the "Gulfs area" means the sea area located north-west of the rhumb line between Ras al Haad (22°30'N, 59°48'E) and Ras al Fasteh (25°04'N, 61°25'E).

[127] Resolutions, MEPC.168(56) and MEPC.167(56), respectively.

the lack of adequate reception facilities, although efforts were being made in the Caribbean Sea and the Mediterranean Sea to provide such facilities.[128]

216. The Committee agreed, in principle, to designate the Papahānaumokuākea Marine National Monument in the north-western Hawaiian Islands, United States, including small islands, atolls, banks, seamounts, pinnacles and shoals, as a particularly sensitive sea area. Once the proposed associated protective measures, have been adopted by the IMO Maritime Safety Committee, the area can be designated by MEPC (see also paras. 68 and 69 above).

J. Small island developing States

217. At its fifteenth session, held in New York from 30 April to 11 May 2007, the Commission on Sustainable Development considered policy options and practical measures to expedite implementation of energy for sustainable development, industrial development, air pollution/atmosphere and climate change. Delegations at the meeting stressed the special needs of small island developing States, given the particular development challenges they face.[129] Climate change impacts were noted to be particularly severe for developing countries, including small island developing States, given their exposure and inadequate means and limited capacities to adapt to its effects (see paras. 229-231 and 233-235 below). The Commission also discussed follow-up of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (see A/60/63, paras. 160-167). While no agreement was reached on the Chairman's proposed draft decision, delegations agreed ad referendum on a number of actions including fully and effectively implementing the commitments, programmes and targets adopted in the Barbados Programme of Action and the Mauritius Strategy, promoting the implementation of partnership initiatives consistent with the role and mandate of the Commission; encouraging the relevant agencies of the United Nations system to further mainstream the Mauritius Strategy; and urging donors, financial institutions and mechanisms to consider ways to simplify and improve access to financial resources for small island developing States.

218. The intergovernmental preparatory meeting for the Commission session, held in New York from 26 February to 2 March 2007, featured a plenary session on small island developing States which discussed innovative policy options to support the sustainable development of those States and highlighted viable solutions for reducing their vulnerability to climate change and air pollution and strengthening their industrial development and access to energy for sustainable development.[130]

219. In response to an increasingly acknowledged need for a comprehensive and systematic approach to monitoring implementation of the sustainable development agenda for small island developing States, the small island developing States Unit of the Department of Economic and Social Affairs,[131] convened an expert group meeting to begin consideration of a framework for monitoring progress towards the

[128] Report of the fifty-sixth session of MEPC, International Maritime Organization document MEPC 56/23.

[129] See E/2007/29-E/CN.17/2007/15, chap. I.B, Chairperson's summary, para. 7.

[130] Information available at www.sidsnet.org.

[131] For more information on the Unit see www.un.org/esa.

mainstreaming of the Mauritius Strategy within the United Nations system, making the monitoring of small island developing States' development plans more effective and integrating the Mauritius Strategy in their national and regional development processes.[132] In addition, the Unit also established a project for the formulation of national sustainable development strategies by small island developing States in the Pacific region, pursuant to the Johannesburg Plan of Implementation and the Mauritius Strategy, which called upon countries to formulate and begin implementation of such strategies by 2005. The project comprises two phases: the preparation of national assessment reports and selected interventions in Pacific small island developing States to further the development and implementation of national sustainable development strategies.[133]

220. As a follow-up to the Barbados Programme of Action, the UNESCO office for the Caribbean signed a memorandum of understanding with the University Consortium of Small Island States for the establishment of a cooperation programme on sustainable development in small island developing States in the fields of climate change, natural and environmental disasters, waste management, resources management, culture and sustainable living and development. The disciplines concerned include information technology, marine sciences, science engineering and culture. The programme will facilitate further implementation of the Mauritius Strategy (see A/60/63, paras. 160-167). The consortium is a collaborative effort of the Universities of Malta, Mauritius, the South Pacific, the West Indies and the Virgin Islands to enhance the capacity of institutions of higher education in small island States to assist Governments in developing the institutional and systemic capacity needed to implement the Barbados Programme of Action and the Mauritius Strategy (see www.myucsis.com).

221. In its decision 1/CP.10 (2004), the Conference of Parties to the United Nations Framework Convention on Climate Change requested the convening of three regional workshops and expert meetings for small island developing States in order to facilitate information exchange and the identification of specific adaptation needs and concerns. The meeting for the Caribbean and Atlantic region (Jamaica, 5 to 7 February 2007) discussed, inter alia, insurance support for small island developing States impacted by natural disasters linked to climate change, while the Pacific and Indian Ocean meeting (Cook Islands, 26 to 28 February 2007) provided participating experts with the opportunity to exchange information on assessing the impacts of climate change and their countries' vulnerabilities to those impacts.

222. The Association of Caribbean States has organized a project relating to the development of the forecasting capabilities of the meteorological services of small island developing States. This project, which receives financial support from the Government of Finland (€33,400), is coordinated by WMO and the Caribbean Meteorological Organization. A high-level conference on risk reduction, mitigation of the effects and recovery from natural disasters in the Greater Caribbean will be held in Port-au-Prince in November 2007 for the purpose of exchanging experiences, lessons learned and best practices and identifying areas for regional cooperation in this domain.

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[132] The meeting was held in New York on 27 and 28 April 2007. See also SIDSDay_Index.html.

[133] For more information see www.un.org/esa/sustdev/natlinfo/nsds/pacific_sids/pacific_sids.htm.

223. The University for Peace organized a conference on climate change and vulnerability at which participants from island and coastal countries discussed geographic and cultural realities, coastal and water management issues, disaster preparedness and response, emerging strategies and technologies and institutional cooperation. In addition, interactive sessions provided opportunities to learn from those addressing climate issues in various geographic areas. The conference, which was sponsored by the Government of the Netherlands and a number of Dutch national institutions, was held in The Hague on 13 and 14 February 2007.[134]

224. The thirty-seventh Pacific Islands Forum meeting, held in Nadi, Fiji, on 24 and 25 October 2006, discussed climate variability and change, sea level rise and extreme weather events; regional fisheries and deep-sea bottom trawling; and financing for sustainable development.[135]

XI. Climate change

225. Recent studies show clearly that the warming of the earth's climate system is unequivocal and attributable to human activities. Climate change is already having significant impacts in certain regions and on most ecosystems, and it will also affect developing countries' ability to achieve the Millennium Development Goals. The challenge now is to develop a fairer and more effective global response to address this global problem.[136]

226. In one of the recent studies, UNEP reports that the amount of ice and snow has decreased substantially over the last few decades, mainly owing to anthropogenic global warming, and that the sea level is rising at an increasing rate. Further, more than one third of sea-level rise is from meltwater from glaciers and ice sheets, while most of the remaining rise is due to thermal expansion of the oceans. The contribution of meltwater to sea-level rise is expected to accelerate as more land ice melts.[137] WMO reported in August 2007 that weather and climate in many regions across the world had been marked by record extremes since January 2007, and that global land surface temperatures in January and April 2007 were likely to rank as the warmest since record-taking began in 1880.[138] In terms of impact, the head of FAO reported that climate change could lead to potential food shortages and

[134] The report of the meeting is available at: www.upeace.org/climate/.

[135] For the Forum communiqué, see A/61/558. Enclosure 2 to the communiqué includes the Declaration on Deep-Sea Bottom Trawling to Protect Biodiversity in the High Seas.

[136] "Climate change as a global challenge", informal debate of the General Assembly on climate change, 31 July-2 August 2007, available at http://www.un.org/ga/president/61/follow-up/thematic-climate.shtml.

[137] UNEP global outlook for ice and snow, 2007. In the last three decades there have been declines in the extent of Arctic sea ice of 8.9 per cent per decade in September and 2.5 per cent per decade in March. Sea-ice thickness has declined in parts of the Arctic since the 1950s and both the extent and the thickness of Arctic sea ice are projected to continue to decline with the possibility of a mainly ice-free Arctic Ocean in summer by 2100 or earlier. The rate of sea-level rise is now 3.1 mm per year; the average for the twentieth century was 1.7 mm per year.

[138] WMO press release No. 791, "The World Meteorological Organization reports on extreme weather and climate events", 7 August 2007, available at: www.wmo.ch/pages/mediacentre/press_releases/pr_791_e.html.

increase the risk of hunger in developing countries.[139] Scientists also recently reported that the Southern Ocean was becoming less efficient at absorbing carbon dioxide owing to an increase in wind strength over the ocean, resulting from higher levels of greenhouse gases in the atmosphere and long-term ozone depletion in the stratosphere.[140]

227. Other sections of the present report address various aspects of climate (see paras. 107, 108, 114, 142, 143, 180-183, 196-201, 204 and 217-224). The following section will focus on the reports of the Intergovernmental Panel on Climate Change and other recent policy developments.

A. Intergovernmental Panel on Climate Change

228. Working Groups II and III of the Intergovernmental Panel on Climate Change recently released summaries of their contributions to the Panel's fourth assessment report.[141] Concerning the observed impacts of climate change on the natural and human environment, Working Group II found that observational evidence from all continents and most oceans showed that many natural systems were being affected by regional climate changes, particularly temperature increases. Based on substantial new evidence, there was high confidence that observed changes in marine and freshwater biological systems were associated with rising water temperatures, as well as related changes in ice cover, salinity, oxygen levels and circulation, including shifts in ranges and changes in algal, plankton and fish abundance in high-latitude oceans. Further, the uptake of anthropogenic carbon since 1750 had led to the ocean becoming more acidic with an average decrease in pH of 0.1 units. It concluded with high confidence that anthropogenic warming over the past three decades had had a discernible influence on many physical and biological systems. In addition, other effects of regional climate changes on natural and human environments were emerging, although many were difficult to discern owing to adaptation and non-climatic drivers. For example, in many areas sea-level rise and human development were together contributing to losses of coastal wetlands and mangroves and increasing damage from coastal flooding.

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[139] India stands to lose 125 million tons of its rain-fed cereal production, close to 20 per cent of its total production (UN News Centre press release, "Climate change could intensify hunger risk in developing world, UN official says", 7 August 2007).

[140] Scientists observed that the Southern Ocean's ability to absorb carbon dioxide had weakened by approximately 15 per cent per decade since 1981 and that it was reaching its saturation point (C. Le Quéré et al., "Saturation of the Southern Ocean CO_2 sink due to recent climate change", *Science*, 22 June 2007; Environment News Service, "Antarctic Ocean losing ability to absorb carbon dioxide", 18 May 2007).

[141] "Climate change 2007: impacts, adaptation and vulnerability", contribution of Working Group II to the fourth assessment report of the Intergovernmental Panel on Climate Change, 6 April 2007, analysed observed changes in natural and human systems and the relationship between those changes and climate change, and assessed projected future vulnerability, impacts and response measures to adapt to climatic changes; "Climate change 2007: mitigation", contribution of Working Group III to the fourth assessment report of the Intergovernmental Panel on Climate Change, 4 May 2007, analysed mitigation options for main sectors, addressed cross-sectorial matters such as links with other policy objectives, and provided information on long-term mitigation strategies for various stabilization levels. The fourth assessment report will provide an overall scientific view on climate change that will integrate and synthesize all information from the reports of the three Working Groups. For the summary reports and further background information, see http://www.ipcc.ch/.

229. Working Group II also made key predictions about the impact of the range of climate changes projected over the next century. The resilience of many ecosystems was likely to be exceeded by an unprecedented combination of climate change, associated disturbances (flooding, ocean acidification) and other global change drivers (land use change, pollution, overexploitation of resources); approximately 20 to 30 per cent of assessed plant and animal species were likely to be at increased risk of extinction if increases in global average temperature exceeded 1.5ºC to 2.5ºC; if such temperatures were exceeded, major changes were projected in ecosystem structure and function, species' ecological interactions and species' geographic ranges, with predominantly negative consequences for biodiversity and for ecosystem goods and services (e.g., water and food supply); the progressive acidification of oceans owing to increasing atmospheric carbon dioxide was expected to harm marine shell-forming organisms (e.g., corals) and their dependent species; and continued warming was expected to have adverse effects for aquaculture and fisheries.

230. In addition, climate change and sea-level rise, exacerbated by increasing human-induced pressures on coastal areas, exposed coasts to increasing risks, including coastal erosion. Increases in sea surface temperatures of 1°C to 3°C were projected to result in more frequent coral bleaching events and widespread mortality, in the absence of thermal adaptation or acclimatization; coastal wetlands were projected to be negatively affected by sea-level rise especially where constrained on the landward side, or starved of sediment; many millions more people were projected to be flooded every year due to sea-level rise by the 2080s; and adaptation for coasts would be more challenging in developing countries, whose adaptive capacity was limited.

231. Working Group II also reported on the expected impact of climate change in specific regions. In Africa, projected sea-level rise would affect low-lying coastal areas with large populations, and mangroves and coral reefs would be further degraded, with additional consequences for fisheries and tourism. Coastal areas in Asia would be at risk of increased flooding from the sea, and increases in coastal water temperature would exacerbate cholera. By 2020, significant loss of biodiversity was projected to occur in ecologically rich sites in Australia and New Zealand, including the Great Barrier Reef and the Queensland Wet Tropics, and ongoing coastal development and population growth in some areas were projected to exacerbate risks from sea-level rise and increases in the severity and frequency of storms and coastal flooding by 2050. In Europe, negative impacts would include more frequent coastal flooding and increased erosion owing to storminess and sea-level rise, and the great majority of organisms and ecosystems would have difficulties adapting. In Latin America, sea-level rise was projected to cause increased risk of flooding in low-lying areas, and increases in sea surface temperature were projected to have adverse effects on Mesoamerican coral reefs and to cause shifts in the location of south-east Pacific fish stocks. Coastal communities and habitats in North America would be increasingly stressed by climate change impacts interacting with development and pollution, and losses were projected to increase if the intensity of tropical storms increased, as population growth and the rising value of infrastructure in coastal areas increased vulnerability to climate variability and future climate change.

232. In the polar regions, the main projected biophysical effects of climate change were reductions in the thickness and extent of glaciers and ice sheets and changes in

natural ecosystems, with detrimental effects on many organisms including migratory birds, mammals and higher predators.[142] Specific ecosystems and habitats were projected to be vulnerable as climatic barriers to species' invasions were lowered. Small islands were especially vulnerable to the effects of climate change, sea-level rise and extreme events. Deterioration in coastal conditions (e.g. erosion of beaches and coral bleaching), was expected to affect local resources such as fisheries and to reduce the islands' value as destinations for tourism. Sea-level rise was also expected to exacerbate inundation, storm surge, erosion and other coastal hazards, thus threatening vital infrastructure, settlements and facilities that support the livelihood of island communities. With higher temperatures, increased invasion by non-native species was expected to occur, particularly on middle and high-latitude islands.

233. Working Group II reported that confidence had increased that some weather events and extremes would become more frequent, more widespread or more intense during the twenty-first century, including a likelihood of increased intense tropical cyclone activity and increased incidence of extremely high sea level. Some large-scale climate events had the potential to cause very large impacts, especially after the twenty-first century. Very large sea-level rises that would result from widespread deglaciation of Greenland and West Antarctic ice sheets would imply major changes in coastlines and ecosystems.[143] It was very unlikely that the Meridional Overturning Circulation in the North Atlantic would undergo a large abrupt transition during the twenty-first century, but its slowing was very likely.[144] Working Group II concluded that the impacts of climate change would vary regionally but overall they were very likely to impose net annual costs which would increase over time (in real terms) as global temperatures increased.

234. In terms of current knowledge on responding to climate change, Working Group II found that vulnerability to climate change could be exacerbated by the presence of other stresses, that future vulnerability depended not only on climate change but also development pathway, and that sustainable development could reduce vulnerability to climate change, but climate change could also impede nations' abilities to achieve sustainable development pathways. In the end, Working Group II suggested that a portfolio of adaptation and mitigation measures could diminish the risks associated with climate change.

235. Concerning mitigation of climate change, Working Group III found that greenhouse gas emissions had grown since pre-industrial times, with an increase of

[142] In the Arctic, additional impacts include reductions in the extent of sea ice and permafrost and increased coastal erosion.

[143] There was medium confidence that at least partial deglaciation of the Greenland ice sheet, and possibly the West Antarctic ice sheet, would occur over a period of time ranging from centuries to millennia for a global average temperature increase of 1°C to 4°C (relative to 1990-2000), causing a contribution to sea-level rise of 4 to 6 metres or more. Complete melting of the Greenland ice sheet and the West Antarctic ice sheet would contribute to sea-level rise of up to 7 m and about 5 m, respectively.

[144] Temperatures over the Atlantic and Europe were projected to increase nevertheless owing to global warming. The impacts of large-scale and persistent changes in the Meridional Overturning Circulation were likely to include changes to marine ecosystem productivity, fisheries, ocean carbon dioxide uptake, oceanic oxygen concentrations and terrestrial vegetation.

70 per cent between 1970 and 2004.[145] The Working Group projected an increase of baseline global greenhouse gas emissions by 25 per cent to 90 per cent between 2000 and 2030, but observed that there was substantial potential for the mitigation of global emissions over the coming decades that could offset their projected growth or reduce them below current levels. Concerning geo-engineering options, such as ocean fertilization to remove carbon dioxide directly from the atmosphere, Working Group III found that they remained largely speculative and unproven, with the risk of unknown side effects, and that reliable cost estimates had not been published.

B. United Nations Framework Convention on Climate Change and Kyoto Protocol

236. The twenty-sixth sessions of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the United Nations Framework Convention on Climate Change, held in Bonn, Germany, from 7 to 18 May 2007, coincided with the third session of the ad hoc working group on further commitments for annex I parties under the Kyoto Protocol, held from 14 to 18 May, and the third workshop under the dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention, held on 16 and 17 May.

237. The ad hoc working group focused its discussions on the analysis of mitigation potentials and ranges of emission reduction objectives of annex I parties, including consideration of the contributions of the Working Groups of the Intergovernmental Panel on Climate Change.[146] The third workshop under the dialogue discussed two of its four themes: realizing the full potential of technology, and addressing action on adaptation.[147] The Subsidiary Bodies adopted a number of draft decisions that will be forwarded to the United Nations Climate Change Conference to be held in Bali, Indonesia, from 3 to 14 December 2007.

238. The Bali Conference will include the thirteenth meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the third meeting of the parties to the Kyoto Protocol, the twenty-seventh sessions of the Subsidiary Bodies and a ministerial segment. It is expected to focus on a framework for tackling climate change after 2012, when the first commitment period under the Kyoto Protocol ends.[148]

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[145] In particular, carbon dioxide emissions had grown between 1970 and 2004 by about 80 per cent, and represented 77 per cent of total anthropogenic greenhouse gas emissions in 2004. In 2004, countries listed in annex I to the United Nations Framework Convention on Climate Change held a 20 per cent share in world population, produced 57 per cent of world gross domestic product (based on purchasing power parity) and accounted for 46 per cent of global greenhouse gas emissions.

[146] FCCC/KP/AWG/2007/2, report of the ad hoc working group on further commitments for annex I parties under the Kyoto Protocol on its third session.

[147] Dialogue working paper 1 (2007), "Scenario note on the third Dialogue workshop, Note by the co-facilitators"; Dialogue working paper 2 (2007), "Draft schedule".

[148] The fourth session of the ad hoc working group on further commitments for annex I parties under the Kyoto Protocol and the fourth workshop under the dialogue will be held from 27 to 31 August 2007.

C. Developments in other forums

239. The General Assembly held its first-ever plenary debate on climate change from 31 July to 2 August, 2007. The informal thematic debate featured interactive panel discussions with climate change experts and a review of the national strategies and international commitments of Member States.[149] The Security Council held its first debate on the impact of climate change on peace and security, which aimed at examining the relationship between energy, security and climate.[150] In addition, the Secretary-General put climate change at the top of his agenda, calling it the defining issue of our era.[151] On 1 May 2007, he appointed three Special Envoys on Climate Change,[152] and on 24 September 2007 he will convene an informal high-level event on climate change to promote discussion of ways to move the international community towards negotiations on a new global agreement on climate change at the United Nations Climate Change Conference to be held in Bali, Indonesia in December 2007.[153]

240. In other developments, at its fifteenth session (30 April-11 May 2007), the Commission on Sustainable Development considered climate change in a thematic cluster with energy, industrial development and air pollution/atmosphere. There was broad agreement that these four issues were of fundamental importance to achieving sustainable development and the Millennium Development Goals. Although delegates achieved near unanimity on the themes of industrial development and air pollution/atmosphere, they remained divided on key points in the chapters on energy and climate change, and agreement was not reached.[154] At its high-level segment held in Geneva from 2 to 5 July 2007, the Economic and Social Council recognized the negative impact of environmental degradation and climate change on sustainable development, called for the widest possible cooperation by all countries in developing an effective and appropriate response, and emphasized that responses should be coordinated with social and economic development in an integrated manner.[155] At its twenty-fourth session, held in Paris from 19 to 28 June 2007, the IOC Assembly decided that its 2008-2013 medium-term strategy would address a number of high-level objectives, including mitigation of the impacts and adaptation to climate change and variability.[156] The Global Compact, the world's largest voluntary corporate citizenship initiative, brought together more than 1,000 participants from business, government and civil society at a meeting in Geneva on

[149] See www.un.org/ga/president/61/follow-up/thematic-climate.shtml.The informal thematic debate, "Climate change as a global challenge", was also the Assembly's first ever "carbon neutral" debate, as emissions from air travel to bring experts to the debate and all carbon dioxide emissions of the United Nations Headquarters were offset by investment in a biomass fuel project in Kenya.

[150] Department of Public Information, press release SC/9000, 17 April 2007.

[151] Department of Public Information, press release SG/SM/11108, GA/10608, ENV/DEV/946, 31 July 2007.

[152] Gro Harlem Brundtland, former Prime Minister of Norway and former Chair of the World Commission of Environment and Development; Han Seung-soo, former Minister for Foreign Affairs of the Republic of Korea and President of the fifty-sixth session of the General Assembly; and Ricardo Lagos Escobar, former President of Chile.

[153] Further information is available at: www.un.org/climatechange/.

[154] Chairman's summary, available at www.un.org/esa/sustdev/csd/csd15/documents/chair_summary.pdf.

[155] Ministerial declaration adopted 10 July 2007 (E/2007/L.13).

[156] Resolution XXIV-2, available at http://ioc3.unesco.org/ioc-24/documents/Adopted%20Resolutions.pdf.

5 and 6 July 2007 and adopted a statement on climate change.[157] The sixtieth annual conference of the Department of Public Information and non-governmental organizations, to be held in New York from 5 to 7 September 2007, will also focus on climate change.[158]

241. At the Group of Eight summit held in Heiligendamm, Germany, from 6 to 8 June 2007, leaders agreed that, in setting a global goal for emissions reductions in a process involving all major emitters, they would consider seriously the decisions made by the European Union, Canada and Japan which include at least a halving of global emissions by 2050.[159] George W. Bush, the President of the United States, subsequently invited top officials from other major economies to a meeting on energy security and climate change in Washington, D.C., on 27 and 28 September 2007.[160] The Asia-Pacific Economic Cooperation (APEC) economic leaders meeting to be held in Sydney, Australia, on 8 and 9 September 2007, will also discuss the key topic of clean development and climate change.[161]

XII. Settlement of disputes

A. International Court of Justice

242. The International Court of Justice held public hearings in the case concerning *Territorial and Maritime Dispute* (*Nicaragua v. Colombia*) from 4 to 8 June 2007. The hearings were concerned solely with the preliminary objections raised by Colombia regarding the jurisdiction of the Court. The Court started its deliberation and its judgment will be rendered at a public sitting, the date of which will be announced in due course.[162] In the case concerning *Maritime Delimitation in the Black Sea* (*Romania v. Ukraine*), the Court extended the time limit for the submission of Ukraine's rejoinder. In its order dated 8 June 2007, the Court fixed 6 July 2007 as the time limit for the filing of that written pleading.[163]

B. International Tribunal for the Law of the Sea

243. On 16 March 2006, the International Tribunal for the Law of the Sea, meeting at its twenty-third session, adopted a resolution to form a standing special chamber to deal with maritime delimitation disputes pursuant to article 15, paragraph 1, of the Tribunal's Statute, i.e., the Chamber for Maritime Delimitation Disputes. The

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[157] See www.unglobalcompact.org/Issues/Environment/Climate_Change/index.html.

[158] For further information see: www.unngodpiconference.org/.

[159] Summit Declaration on Growth and responsibility in the world economy, 7 June 2007, available at http://www.g-8.de/Webs/G8/EN/G8Summit/g8-summit.html.

[160] The United States proposed that officials would seek agreement on the process by which the major economies would, by the end of 2008, agree upon a post-2012 framework that could include a long-term global goal, nationally defined midterm goals and strategies, and sector-based approaches for improving energy security and reducing greenhouse gas emissions. See "Invitation to meeting of major economies on energy security and climate change" at www.whitehouse.gov/news/releases/2007/08/20070803-7.html.

[161] APEC news release, "2007 APEC economic leaders meeting and climate change", 31 March 2007.

[162] See press release No. 2007/16 of 8 June 2007.

[163] See press release No. 2007/17 of 11 June 2007.

Chamber will be available to deal with maritime delimitation disputes which the parties agree to submit to it concerning the interpretation or application of any provision of the United Nations Convention on the Law of the Sea or any other agreement which confers jurisdiction on the Tribunal. The Chamber is composed of eight members of the Tribunal which were selected by the Tribunal to serve on the Chamber with immediate effect. The President of the Tribunal is the President of the Chamber ex officio. The term of office of the current members will end on 30 September 2008.[164]

244. Two applications were submitted by Japan to the Tribunal on 6 July 2007, under article 292 of the Convention, for the release of two fishing vessels flying the Japanese flag. The first application concerned the release of the *88th Hoshinmaru* and 17 members of its crew, detained by the authorities of the Russian Federation for the alleged infringement of national fisheries legislation in its exclusive economic zone. The second application concerned the release of the *53rd Tomimaru*, detained by the authorities of the Russian Federation for the alleged infringement of national fisheries legislation in its exclusive economic zone. It is noted that the *Tomimaru* had been confiscated by decision of the Petropavlovsk-Kamchatskii City Court of 28 December 2006. The decision of the City Court was upheld by the Kamchatka District Court on 6 January 2007.[165]

245. In the *Hoshinmaru* case (Japan v. Russian Federation), the Tribunal delivered its judgment on 6 August 2007. The Tribunal found, unanimously, that it had jurisdiction under article 292 of the Convention to entertain the application made by Japan. It also found, unanimously, that the application with respect to the allegation of non-compliance with article 73, paragraph 2, of the Convention was admissible, and it found that the allegation made by the applicant that the respondent had not complied with the provisions of article 73, paragraph 2, of the Convention for the prompt release of the *Hoshinmaru* and its crew upon the posting of a reasonable bond or other financial security was well-founded. The Tribunal unanimously decided that the Russian Federation should promptly release the *Hoshinmaru*, including its catch on board, upon the posting of a bond or other security as determined by the Tribunal, and that the shipmaster and the crew should be free to leave without any conditions. Finally, the Tribunal unanimously determined that the bond should amount to 10 million roubles.[166]

246. In the *Tomimaru* case (Japan v. Russian Federation), the Tribunal delivered its judgment on 6 August 2007. Having examined, inter alia, the effects of the confiscation of the vessel and the question as to whether the confiscation rendered the application without object, the Tribunal found, unanimously, that the application of Japan no longer had any object and that the Tribunal was therefore not called upon to give a decision thereon.[166]

[164] See press release ITLOS/Press 108 of 16 March 2007.

[165] See press releases ITLOS/Press 110 of 6 July 2007 and ITLOS/Press 113 of 6 August 2007.

[166] The full text of the judgment, including declarations and separate opinions by ITLOS judges, is available at www.itlos.org.

XIII. International cooperation and coordination

A. United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

247. The eighth meeting of the Consultative Process was held from 25 to 29 June 2007. The meeting, jointly chaired by Cristián Maquieira (Chile) and Lori Ridgeway (Canada), focused its deliberations on marine genetic resources. The report on the work of the Consultative Process at its eighth meeting is contained in document A/62/156. It is divided into two parts: part A contains the co-chairpersons' summary of discussions; part B contains additional issues that have been proposed for inclusion in the list of issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea. In the absence of the agreed consensual elements referred to in paragraph 6 (a) of the format and annotated agenda for the eighth meeting (A/AC.259/L.8), the co-chairpersons, in the annex to the report, proposed possible elements on marine genetic resources to be suggested to the General Assembly for consideration under its agenda item "Oceans and the law of the sea". The panel presentations that were made on marine genetic resources can be consulted at www.un.org/depts/los/consultative_process/consultative_process.htm. In 2008, the Consultative Process will focus its discussions on maritime security and safety as decided by the General Assembly in its resolution 61/222.

B. Regular process for global reporting and the assessment of the state of the marine environment, including socio-economic aspects

248. In Section XI of its resolution 60/30, the General Assembly decided to launch the "assessment of assessments" as the start-up phase of the regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, to be overseen by an Ad Hoc Steering Group and executed by a group of experts. UNEP and IOC, the lead agencies for the start-up phase, convened the first meeting of the group of experts at UNESCO headquarters in Paris from 28 to 30 March 2007. The meeting was attended by 17 experts[167] selected and approved on a no-objection basis by the Ad Hoc Steering Group, on the basis of the notional profile and criteria it had approved at its first meeting in June 2006.[168] The supporting documents of the meeting consisted of relevant General Assembly resolutions (60/30 and 59/24) and reports (A/60/91 and A/59/126) and the updated survey of global and regional marine assessments prepared by the UNEP World Conservation Monitoring Centre. The group of experts agreed on an overall working approach and on the conceptual framework of the "assessment of assessments". It considered also an annotated outline of the "assessment of assessments" and agreed to prepare, for consideration by States Members of the United Nations, a report that would include the following sections: an introduction to establish the context of the "assessment of assessments"; the state of the assessment landscape for oceans and coasts; evaluations of assessments; and a framework and options for a regular process. The experts further agreed on a workplan and timetable for completion of

[167] For the list of experts, see the report of the first meeting, UNEP document GRAME/GOE/1/7, available through www.unep.org.

[168] UNEP document A/61/GRAME/AHSG/1, annex II, available through www.unep.org.

the "assessment of assessments" phase within a two-year period, culminating in the submission of a final report to the General Assembly at its sixty-fourth session in 2009.

249. At its second meeting, held in New York on 22 June 2007, the Ad Hoc Steering Group considered the report of the group of experts.[169] The meeting agreed on the overall working approach and outline of the "assessment of assessments" as proposed by the group of experts. It was clarified during the meeting that the report would not provide any of the existing assessments, but rather would highlight the best practices in conducting assessments. The Ad Hoc Steering Group tentatively approved the regional breakdown of oceans and seas established as work in progress by the group of experts for the purpose of the "assessment of assessments". It also endorsed the timeline for completion of the start-up phase and a revised budget proposed by the group of experts subject to available funding.[170] Less than 50 per cent of the budget required for the first year of implementation of the "assessment of assessments" has been mobilized.[171] The General Assembly, in its resolution 61/222, called for appropriate financial contributions to the "assessment of assessments" to allow for its timely completion within two years.[172]

250. The report of the second meeting of the Ad Hoc Steering Group was presented to the eighth meeting of the Consultative Process for consideration under the agenda item on inter-agency coordination and cooperation (see A/62/169, para. 114). At its twenty-fourth session, the IOC Assembly discussed the continued involvement of IOC in the regular process, as well as possible means to support the implementation of the "assessment of assessments" through voluntary contributions. The need to ensure the contribution of national marine assessments to the formulation of the framework for the regular process and to consult local expertise in the various regions during the "assessment of assessments" was highlighted. It was also pointed out that the regular process would need to establish clear linkages with the ocean observation programmes of IOC and the Global Earth Observation System of Systems.[173]

251. The Scientific Groups under the London Convention and the London Protocol considered the possible contribution of the Convention and the Protocol to the regular process, particularly in relation to the ongoing monitoring of dumping operations carried out by contracting parties. It was suggested that the baseline information used by parties for the design of their monitoring programmes for dumping purposes might be useful for the regular process (see IMO document LC/SG 30/7). The Scientific Groups agreed that the secretariat would contact the lead agencies of the "assessment of assessments" for advice further developing a

[169] The meeting was attended by 12 members of the Ad Hoc Steering Group, the Division for Ocean Affairs and the Law of the Sea and the Department of Economic and Social Affairs attended as observers, as did two members of the group of experts. The report of the meeting is contained in UNEP document UNGA 60/30-A-of-A-AHSG/2, available through www.unep.org.

[170] See decisions of the meeting as contained in annex II to document UNGA 60/30-A-of-A-AHSG/2.

[171] Funds have been received from Belgium, Canada, Norway, the Netherlands, the Republic of Korea and the United States. See UNGA 60/30-A-of-A-AHSG/2.

[172] The total amount to be mobilized for the "assessments of assessments", as revised in document GRAME/GOE/1/7 and agreed upon at the second meeting of the Ad Hoc Steering Group, is $1.965 million.

[173] See document IOC-XXIV/3 prov. Pt. 2 at http://ioc3.unesco.org/ioc-24/documents/part.2.pdf.

plan for an input to the process from the perspective of the London Convention and Protocol.

252. During the thirty-fourth session of GESAMP[174] held in Paris from 7 to 11 May 2007, the Executive Committee discussed the contribution of GESAMP to the regular process and the "assessment of assessments". It has been noted that GESAMP has the mandate and capacity to participate in both the "assessment of assessments" and the regular process.

C. Oceans and Coastal Areas Network

253. The Oceans and Coastal Areas Network (UN-Oceans), the inter-secretariat mechanism for the coordination of United Nations activities related to oceans and coastal areas established in October 2003 by the United Nations System Chief Executives Board for Coordination, held its fifth meeting on 21 and 22 May 2007 at UNESCO headquarters in Paris. The meeting considered the progress of the task forces through which UN-Oceans was pursuing its coordination work; the development of the United Nations Atlas of the Oceans; the progress of work in relation to the start-up phase of the regular process; the input of UN-Oceans to the Consultative Process; the impacts and opportunities of United Nations reform; and future directions of the coordinating mechanism, including renewal of the mandates of its officers.

254. The decisions of the meeting relating to the future direction of UN-Oceans included inviting other members of the United Nations family to join UN-Oceans, revitalizing the UN-Oceans website and exploring possible partnerships with UN-Water.

255. It was noted that three of the four original task forces had been discontinued as they had completed their work or entered a new phase.[175] The task force on biodiversity in marine areas beyond national jurisdiction was continuing to provide information and input to the General Assembly and the Convention on Biological Diversity.

256. A new time-bound task force was established on marine protected areas and other area-based management tools. The task force would aim to strengthen collaboration and coordination among United Nations organizations dealing with marine protected areas, in particular in addressing the goals and targets of the Convention on Biological Diversity and the World Summit on Sustainable Development. The Convention on Biological Diversity, IOC, FAO and UNEP were designated as the lead organizations of the task force. In addition, it was agreed in principle to establish a task force to promote a valuation of ocean and coastal goods and services. UNEP and the World Bank would prepare the draft terms of reference for review at the next meeting. Furthermore, it was agreed to consider establishing a task force on the ecosystem approach at the next meeting of UN-Oceans.

257. Another important area of ongoing work for UN-Oceans is support for the "assessment of assessments" in preparation for the establishment of the regular

[174] For information on GESAMP, see A/58/61/Add.1 and www.gesamp.org.

[175] See A/61/63/Add.1, paras. 195 and 199. In addition, the task force established to prepare for the intergovernmental review meeting of the Global Programme of Action, held in October 2006, had been discontinued.

process. The successful implementation of the project is an ongoing priority for members of UN-Oceans (see sect. B above).

258. The fifth anniversary of the launch of the United Nations Atlas of the Oceans was on 8 June 2007. The Atlas continues to serve as a very valuable resource, thanks in large part to the commitment and time devoted to it by its network of volunteer editors. However, financial uncertainty, arising from the ad hoc nature of funding to date, continues to threaten the viability and further development of the Atlas. The members of UN-Oceans are continuing their efforts to enhance the content of the Atlas and to secure more funding from partners and external sources.

XIV. Capacity-building activities of the Division for Ocean Affairs and the Law of the Sea

259. The Division continues to be actively engaged in a number of capacity-building activities in response to requests by Member States as reflected, inter alia, in General Assembly resolution 61/222. Some of these activities have been outlined in previous reports (A/61/63, A/62/66); an update is provided below.

A. Hamilton Shirley Amerasinghe Memorial Fellowship Programme

260. The 2006 awardee of the Fellowship, Viet Nguyen Hong of Viet Nam, is expected to start his programme in the third quarter of 2007 at the University of Delaware under the supervision of Professor Gerard Mangone.

261. Marvin T. Ngirutang from Palau, recipient of the 2005 Fellowship award, completed his research and study programme at the University of Oxford, United Kingdom of Great Britain and Northern Ireland, under the supervision of Professor Vaughan Lowe. He completed the second phase of the award programme at the Division.

262. Following the appeal made by the General Assembly in resolution 61/222, contributions were received from Cyprus ($7,160), Ireland ($6,710), Monaco ($10,000) and the United Kingdom ($28,816) during the reporting period from 1 January to 30 June 2007.

263. Further information, including application forms and an up-to-date list of participating universities, is available at www.un.org/depts/los.

B. United Nations-Nippon Foundation of Japan Fellowship Programme

264. The 2006/07 fellows, nationals of Chile, Georgia, Indonesia, Madagascar, Mozambique, Myanmar, the Solomon Islands, Sri Lanka, Thailand and the United Republic of Tanzania, have now completed the Programme.

265. The 2007/08 fellows have all begun their individual research programmes in ocean affairs and the law of the sea or related disciplines. This cycle of fellows includes nationals of Antigua and Barbuda, Benin, Brazil, Cameroon, Colombia, the Comoros, Indonesia, Kenya, the Philippines and Thailand. Each fellow has been

placed with a prestigious host institution to undertake an individually customized research programme.[176] The fellows will complete the second phase of their programmes at the Division.

266. The application deadline for the 2008/09 Fellowship awards was set at 15 August 2007. The Fellowship Selection Committee will convene in September or October to review the applications and award 10 2008/09 Fellowships. Successful candidates will commence their programmes in early 2008.

267. Further information, including the past fellows' research papers, application materials and an up-to-date list of participating universities, is available at www.un.org/depts/los/nippon.

C. Training courses

268. *TRAIN-SEA-COAST Programme*. To reinforce networking of the TRAIN-SEA-COAST Programme throughout the GEF international waters portfolio, the Division for Ocean Affairs and the Law of the Sea participated in the fourth biennial Global Environment Facility International Waters Conference.[177] The Programme, established by the Division in 1993, is a training network in the field of coastal and ocean management. It is currently funded by GEF and the Division, with course-specific co-financing from partner Governments and institutions.

269. The fourth biennial Global Environment Facility International Waters Conference provided an opportunity to foster new partnerships for the continued delivery of the Programme's training courses; disseminate information regarding the roster of available courses[178] and other capacity-building activities of the Division to the representatives of GEF international waters projects and other conference participants; and assess the current and future capacity-building needs of the international waters portfolio and of the participating States, which could be addressed through the Programme. The Conference facilitated the sharing of experiences and innovative practices among the international waters projects, in order to promote learning, capacity-building and the development of strategies to enhance stakeholder collaboration, and to encourage GEF international waters projects to apply evolving GEF policies and procedures during implementation (see www.getf.org/iwc4/).

270. *Training course to promote compliance with article 76 of the Convention*. After concluding a first round of four training courses at the regional level,[179] and starting its activities at the subregional level with a training course held in Brunei Darussalam from 12 to 16 February 2007 (see A/62/66, para. 352), the Division organized, in collaboration with the Government of South Africa and with the

[176] The respective universities are the University of Massachusetts at Boston, l'Université de Nantes, Tulane University, the Max Planck Institute, Edinburgh University, the University of Ghent, Wollongong University, Southampton University, Queensland University, and the University of Rhode Island.

[177] The Conference, organized by GEF and its implementing agencies (UNDP< UNEP and the World Bank), was held in Cape Town, South Africa from 31 July to 32 August 2007.

[178] For further information see www.un.org/Depts/los/tsc_new/TSCindex.htm.

[179] See A/60/63, paras. 47-49; A/60/63/Add.2, paras. 109-112; A/61/63, paras. 48-51 and A/61/63/Add.1, paras. 180-181.

cooperation of Grid-Arendal and the Federal Institute for Geosciences and Natural Resources of Germany, a training course in Cape Town, South Africa, from 13 to 17 August 2007. The course was successfully completed by 43 technical and administrative staff from Angola, the Comoros, Madagascar, Mauritius, Mozambique, Namibia, Seychelles, South Africa and the United Republic of Tanzania.

D. Trust funds

1. Commission on the Limits of the Continental Shelf

271. *Voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea.* Nineteen participants received assistance from this trust fund for the training course held in Cape Town, South Africa (see para. 270 above). A contribution of $100,000 was made by Portugal. According to the provisional statement of accounts, the fund balance at the end of June 2007 was estimated to be $2,328,200.

272. *Voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission.* During the reporting period from 1 January to 30 June 2007, contributions were received from China ($20,000), Iceland ($100,000), Ireland ($65,789), Japan ($205,000) and the United Kingdom ($96,055). According to the provisional statement of accounts, the fund balance at the end of June 2007 was estimated to be $532,900.[180]

2. Voluntary trust fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

273. Representatives from the following 11 countries received assistance for the economy class round-trip travel costs from their respective countries to attend the eighth meeting of the Consultative Process, in June 2007: Bahamas, Jamaica, Kenya, Malawi, Marshall Islands, Mauritius, Mongolia, Nepal, Peru, Solomon Islands and South Africa. The total expenditure for their travel amounted approximately to $35,000.[181]

274. In paragraph 122 of its resolution 61/222, the General Assembly expressed concern regarding the insufficient resources available in the voluntary trust fund and urged States to make additional contributions to it. However, no contributions have been made to the voluntary trust fund since 2004. Given the number of requests for assistance received at past sessions of the Consultative Process, it is unlikely that

[180] In 2006, Ireland pledged 150,000 euros to this trust fund to be paid in three annual instalments (see A/61/63/Add.1, para. 186). The first instalment was credited to the trust fund in 2006 and the second in March 2007.

[181] Updated information regarding the fund balance will be provided during the consideration of the agenda item "Oceans and the law of the sea" by the General Assembly.

the trust fund will be able to satisfy all requests for assistance to attend the ninth meeting of the Consultative Process in 2008 at the current level of funding. It is therefore of critical importance that Member States consider making additional contributions to the voluntary trust fund.

3. Voluntary trust fund for the International Tribunal for the Law of the Sea

275. There have been no applications to this trust fund since the application of Guinea-Bissau in 2004. As at 30 June 2007, according to the provisional statement of accounts, the fund balance was approximately $90,200. It is noted that this is one of the trust funds to which the General Assembly, in its resolution 61/222, urged States to contribute.

4. Trust fund for assistance to States participating in the Conference on Maritime Delimitation in the Caribbean

276. According to the provisional statement of accounts for the trust fund,[182] its balance, as at 31 December 2006, was $101,413.46. Pursuant to the terms of reference of the trust fund, assistance in the amount of $23,323.74 was provided to 22 participants from 12 participating States, who attended the fourth session of the Conference, held on 9 and 10 November 2006.

[182] The project is executed by the Department of Economic and Social Affairs in cooperation with the Division for Ocean Affairs and the Law of the Sea. The trust fund account is administered by the Department of Economic and Social Affairs.